MAGNA CHARTA,

CVM STATVTIS, TVM

antiquis, tùm recentibus,

maximopere animo tenendis,

iam nouiter excusa, & summa

diligentia emendata &

correcta.

Cui adiecta sunt nonnulla

Statuta, nunc demum

tipis adita.

C* 44 Dec 29

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To the Reader.

THe former Booke intituled *Magna charta* did conteine diuers olde Statutes, Lawes, and other things, although good, not verie neceſſarie to be had in one ſo portable a volume, and the ſame confuſedly and not orderly digeſted, and in many places (for want of perfect copies) verie faultie. This conteineth the moſt neceſſary of thoſe old Statutes, and diuers later and new Statutes moſt conuenient to bee had perfect & ready, not onely by all Studentes of the law for their priuate ſtudies, Readings, Mootes, Bolts, Caſes, & other exerciſes; but alſo by the practiſers of the ſame for their daily affaires & cauſes: which ſtatuts be thoſe that are conteyned in the table next following, wherein the ſtatutes which this booke conteineth, are in ſuch order as they be placed in this booke. The other table doeth conteine the titles in order of Alphabet, wherein

the ſtatutes, in this booke conteined, are collected in the collection of ſtatutes compiled by M. Raſtall: which titles are ſet in this booke, ouer euery ſuch part of the ſaid ſtatutes, as are in that collection, and thereunto is added the number, at the which the ſame is to be found in the collection. The words conteined betweene the two markes, which ſometimes yee ſhall find in the booke, do ſhew what is corrected or added to the ſtatutes more then was before imprinted, the corrections whereof, are to bee warranted by diuers ancient coppies which haue been carefully conferred for the ſame purpoſe.

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Magna Charta,

ædita Anno 9. Hen-

rici tertij.

EDwardus Dei gratia Rex Angliæ, Dñs Hiberniæ, & Dux Aquitanię: Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Iustic', Vicecom, Prępositis, Ministris, & omnibus Ballivis, & fidelibus suis, Salutem. Inspeximus magnam Chartam Dñi H. quondam Regis Angliæ, patris nostri, de Libertatibus Anglię, in hæc verba.

HENRICVS Dei gratia Rex Angliæ, Dominus Hibern, Dux Norman, & Aquitanię, & Comes Andeg. Archiepis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Vicecom, Prępositis, Ministris, & omnibus Ballivis, & fidelibus suis, pntem Chartam inspecturis, salutem. Sciatis quod nos intuitu Dei, & pro salute animę nostræ, & animarum antecessorum, & successorum nostrorum, ad exaltationem sanctę Ecclesię & emendationem regni nostri, spontanea & & bona voluntate nostra, dedimus & concessimus Archiepiscopis, Epis, Abbatibus, Prioribus, Comit, Baronibus, & omnibus liberis de Regno nro, has libertates subscripe, tenendas in regno nostro Angliæ in perpetuum.

Franchises I. *cap.* I.

Imprimis, Concessimus Deo, & hac præsenti

ſenti Charta noſtra confirmauimus ꝑ nobis & hered' noſtris inperpetuũ, quod Eccleſia Anglicana libera ſit, & habeat omnia iura ſua integra, & libertates ſuas illeſas. Conceſſimus etiam & dedimus omnibus liberis hominibus regni noſtri, ꝑ nobis & heredibus noſtris in perpetuum, has libertates ſubſcripſ: Tenend' & habend' eis & heredibus ſuis, de nobis & heredibus noſtris in perpetuum.

Reliefe 1. cap. 2.

Si quis Com̃, vel Baronũ noſtrorum, ſine aliorum tenentium de nobis in capite per ſeruitium Militar̃, mortuus fuerit, & cum deceſſerit, heres eius plenę ætatis fuerit, & releuium nobis debeat, habeat hereditatem ſuam per antiquum releuium, ſcz. heres, vel heredes Comitis, de com̃ integro, per centũ libras, heres vel heredes Baronis, de baronia integra, per centum marcas, heres vel heredes Militis, de feodo milit̃ integro, ꝑ centum ſolidos ad plus. Et qui minus habuerit, minus det, ſecundũ antiquam conſuetudinem feodorum.

Wardes 1. cap. 3.

Si autem hæres alicuius talium fuerit infra ętatem, dominus eius non habeat cuſtodiam eius, nec terrę ſuæ, antequam homagiũ ceperit. Et poſtquã talis heres fuerit in cuſtodia, cũ ad ætatẽ peruenerit (ſcilicet xxj. annorũ) habeat hereditatem ſuam ſine releuio, & ſine fine, ita tamen quod ſi ipſe (dum infra ętatem fuerit) fiat Miles, nihilominus terr̃ remaneat

in

in custodia dominorũ suorum, vsque ad terminum prædictum.

Wast 1. cap. 4.

Custos terrę hmodi heredis, qui infra ętatẽ fuerit, non capiat de terra heredis, nisi rationabiles exitus, & rationabiles cõsuetudines, & rationabilia seruitia, & hoc sine destructione, & vasto hominum & rerum. Et si nos commiserimus custodiam alicui' talis terræ Vic', vel alicui alij, qui de exitibus terrę illius nobis debeat respondere, & ille de custodia illa, destructionem, vel vastum fecerit: Nos ab eo capiemus emend', & terra committatur duobus legal' & discretis hominibus de feodo illo, qui de exit' terr' illius nobis respondeant, vel illi cui nos illã assignauerimus. Et si dederim', vel vendiderim' custodiã alicui' talis trę, & ille inde destructionẽ fecerit, vel vastũ, amittat illam custodiã, & tradatur duobus [discreẽ &] legal' hominibus de feodo illo, qui similiter nobis respondeant, sicut ꝑdictũ est. [Vide Glouc' cap. 5. W. 1. ca. 21.]

Wast 2. cap. 5.

Custos autem quamdiu custodiam terræ huiusmodi habuerit, sustẽtet domos, parcos, viuar', stagna, molendina, &c. ad terram illam pertinentia, de exit' terr' eiusdẽ, & reddat heredi cum ad plenã ætatẽ peruenerit, terrã suã toẽ instauratam de carucis, & omnibus alijs rebus, ad minus, sicut illam recepit. Hęc omnia obseruent de custodijs Archiepiscopatuum, Ep'atuum, Abbatiarũ, Prioratuũ, Ecclesiarum, & dignitatum vacantium, quę ad nos

perti-

pertinent, excepť quod custod' huiusmodi vendi non debent.

Wardes 2. cap. 6.

Heredes autem maritentur absque disparagatione.

Women 1. cap. 7.

Vidua post mortem mariti sui statim & sine difficultate aliqua, habeat maritagiũ suũ & hereditatem suam: nec aliquid det pro dote sua, nec pro maritagio suo, vel pro hereditate sua habenda, quam hereditatẽ maritus suus, & ipsa tenuerunt simul, die obitus ipsius mariti sui: & maneat in capitali mesuagio mariti sui, per quadraginta dies post obitũ mariti sui, infra quos dies assignetur ei dos sua, nisi prius ei assignata fuerit, vel nisi domus illa sit castrum: & si de castro recesserit, statim domũ ei competens prouideatur, in qua possit honeste morari, quousq; dos sua ei assignetur, secundum quod ꝑdictũ est: & habeat rationabile estouerium suum interim de cõi. Assignetur autem ei, pro dote sua, tertia pars totius terr̃ mariti sui, quæ fuit sua in vita sua, nisi de minori fuerit dotata ad ostium ecclesiæ. Nulla vidua distringatur ad se maritand' dummodo voluerit viuere sine marito: Ita tamen quod securitatem faciat, ꝙ se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui, si de alio tenuerit. [*Prærogatiua Regis cap. 4.*]

Dette to the King 1. cap. 8.

Nos vero vel Balliui nostri, non seisiemus terram aliquam, vel redditum ꝙ debito

aliquo

aliquo, q̃diu catalla debitoris ꝓsentia, sufficiunt ad debitum reddend', & ipse debit paratus sit inde satisfacere. Nec pleg' [ipsius] debitoris distringantur, quãdiu ipse capitalis debitor sufficiat ad solutionem ipsius debiti. Et si capitalis debitor defecerit in solutione debiti, non habens vnde soluat, aut reddere noluerit cum possit, plegij de debito rñdeant, & si voluerint, habeant terras & reddit debitoris, quousq̃ sit eis satisfact' de debit, qd' antea pro eo soluerint, nisi capitalis debitor monstrauerit se esse quietum versus eosdem plegios.

Fitzh. Nat. bre. fol. 137. c.

Fraunchises 2. cap. 9.

Ciuitas Londoñ habeat omnes libertates suas antiquas & consuetudines suas. Pręterea volumus & concedim', quod omnes alię ciuitates, burg', & villę, & Barones de quinque portubus, & omnes alij portus, habeant omnes libertates, & liberas consuetudines suas. [Articuli super Chartas cap. 7.]

Tenure 1. cap. 10.

Nullus distringatur ad faciendum maius seruitium de feodo Militis, nec de alio libero tenemento, quam inde debetur.

Fitzh. Nat. bre. fol. 10. d.

Common pleas 1. cap. 11.

Communia placita non sequantur Curiam nostram, sed teneantur in aliquo loco certo. [Articuli super Chartas cap. 4.]

Assise 1. cap. 12.

Recognitiones de noua disseisina, & de morte antecessoris, non capiantur nisi in suis coñ, & hoc modo. Nos vero si extra regnum

Ve. Nat. bre. 106. a.

fuerimus, capital' Iustic' nostri mittent Iusticiar' nostros per vnumquemq; comitatū semel in anno, qui cum Militib' eorundē com̄, capiant in com̄ illis assis. prędict'. Et ea quæ in aduēt̄u suo in illo comitatu p Iustic' nostr' p̄dict', ad dictas assisas capiend' missas, terminari non possunt, p eosdē terminent̄ alibi in itinere suo. Et ea q̄ per eosdem ꝓpter difficultatem aliquorum articulorum terminari non possunt, referant̄ ad Iusticiar' nostros de banco, & ibi terminentur.

Darreine presentment I. *cap.* 13.

Assisæ de vltima præsentatione, semper capiantur coram Iusticiarijs de banco, & ibi terminentur.

Amerciament I. *cap.* 14.

Liber homo non amercietur pro parvo delicto, nisi secundū modum illius delicti, & pro magno delicto secūdum magnitudinem delicti, saluo sibi contenemento suo: & Mercator eodem modo, salua merchandisa sua, & villanus alterius quam noster, eodem modo amercietur: saluo wainagio suo, si inciderit in misericordiam nostram. Et nulla prædictarum misericordiarum ponatur, nisi per sacramentum proborum & legalium hominum de vicineto. Comites & Barones, non amercientur nisi per pares suos, & non nisi secundū modum delicti. Nulla Ecclesiastica persona amercietur secundum quantitatem beneficij sui ecclesiastici, sed secundum laicum tenē̄ suum, & secundum quantitatem delicti.

Banks

Bankes 1. cap. 15.

Nulla villa, nec liber homo distringatur facere pontes, aut riparias, nisi qui ab antiquo & de iure facere consueuerunt tẽpore Henrici regis aui nostri al' de iure facere debẽt.

Bankes 2. cap. 16.

Nullæ ripariæ defendantur de cetero, nisi illæ quę fuerunt in defenso tempore Henrici regis aui nostri [&] per eadem loca, & eosdem terminos, sicut esse consueuerunt tempore suo.

Pleas of the Crowne 1. cap. 17.

Nulus Vicecom̃, Constabularius, Coronator, vel alij Balliui nostri, teneant placita Coronæ nostræ.

Debt to the king 2. cap. 18.

Si quis tenens de nobis laicum feodum moritur, & Vic', vel Balliuus noster ostendat literas nostras patentes de summonitione [nostra] de debito, qd' defunctus nobis debuit: liceat Vic', vel balliuo nro attachiare, & imbreuiare omnia bona & catalla defuncti inuenta in laico feodo ad valentiã ipsius debiti, per visum & testimonium legal' hominum, ita tamen ꝙ nihil inde amoueatur, donec persoluat nobis debit, quod clarũ fuerit, & residuum relinquatur executoribus ad faciendũ testamentũ defuncti. Et si nihil nobis debeatur ab ipso, omnia catalla cedant defuncto: Saluis vxori eius, & [liberis] pueris suis, rationabilibus partibus suis. Fitzh. Nat. bre. fol. 122 I.

Castels 1. cap. 19.

Nullus Constabularius, vel eius balliuus,

capiat blada, vel alia catalla alicuius qui non sit de villa vbi castrum suũ situm est, nisi statim reddat denarios, aut respectum inde habere possit de voluntate venditoris. Si autem de villa illa fuerit, infra quadraginta dies precium redd'. [West. 1. cap. 7. & 31.]

Castels 2. cap. 20.

Nullus Constabularius distringat aliquem Militem, ad dandum denarios pro custodia castri, si ipse eam facere voluerit, in propria persona sua, vel per alium ꝑbum hominem faciat, si ipse eam facere non possit, propter rationabilem causam. Et si nos abducerimus, vel miserimus eum in exercitum, sit quietus de custodia castri, secundũ quantitatem temporis quo per nos fuerit in exercitu, de feod' pro quo fecit seruitium in exercitu.

Purueyours 1. cap. 21.

Nullus Vicecomes, vel Ballius nostr', vel aliquis alius, capiat equos, vel carectas alicuius ꝑ cariagio faciendo, nisi reddat liberationem antiquit' statut', scilicet pro vna carecta ad duos equos decem denarios per diem, & pro carecta ad tres equos quatuordecim denarios per diem. Nulla carecta dominica alicuius personę ecclesiasticę, vel militis, vel alicuius domini, ꝑ balliuos nostros capiatur, nec nos, nec ballini nostri, nec alij, capiemus boscum alienum ad castra, vel ad alia agenda nostra, nisi per voluntatem illius, cuius boscus ille fuerit.

Forfeiture 1. cap. 22.

Nos non tenebimus terras illorum, qui con-

conuicti fuerint de felonia, nisi per vnum annum, & vnum diem: & tunc reddantur terr̃ illę dñis feodorum. [Prerog Regis cap. vlt.]

Weares 1. cap. 23.

Omnes Kidelli deponantur de ceter̃ penitus per Thamesiam, & Medeweiam, & per totam Angl', nisi per costeram Maris.

Right 1. cap. 24.

Breue quod vocatur Præcip̃ in capite, de cetero non fiat alicui, de aliquo libero tenemento, vnde liber homo perdat curiã suam.

Weights 1. cap. 25.

Vna mensura vini per totum Regnũ nostrum, & vna mensura Ceruicię, & vna mensura bladi, scilicet, quarterium Lond', & vna latitudo pannorum tinctorũ, russatorum, & haubergettarũ, scilicet duę vlnę infra listas. De Ponderibus vero sic sicut de Mensuris.

Fine to the King 1. cap. 26.

Nihil de cetero detur, pro breui Inquisitionis, ab eo qui inquisitionem petit de vita, vel de membris, sed gratis concedatur, & non negatur. [Westm̃ 2. cap. 29.]

Wardes 3. cap. 27.

Si aliqui teneant de nobis per feod' firmam vel per Socagium, vel Burgagium, & de alio teneant terram p seruitiũ Militare, nos non habebimus custodiam hęredis, nec terrę suę, quę est de feodo alterius, occasione illius feodi firmę, vel socagij, vel burgagij. Nec habebimus custodiam illius feod' firmę, vel socagij, vel burgagij, nisi ipsa feodi firma nobis debeat seruitium Militare. Nos non habe-

bimus custodiã hered', vel alicui' terr̃ quam tenet de aliquo alio p seruitium milit, occasione alicuius parvæ Seriantiæ, quam tenet de nobis per seruitium, reddend' nobis cultellos, sagittas, vel huismodi.

Wager of law 1. cap. 28.

Nullus Ballivus de cetero ponat aliquem ad legem manifestam, nec ad iuramenũ simplici loquela sua, sine testibus fidelibus ad hoc inductis.

Accusation 1. cap. 29.

Nullus liber homo capiatur, vel imprisonetur, aut disseisietur de liber̃ tenemẽto suo, vel libertatibus, vel liberis consuetudinibus suis, aut vtlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi p legale iudicium parium suorum, vel per legem terrę. Nulli vendemus, nulli negabimus, aut differemus iustitiam vel rectum.

Merchants 1. cap. 30.

Omnes Mercatores, nisi publice antea prohibiti fuerint, habeant saluum & securum conductũ, exire de Anglia, & venire in Angliam, & morari, & ire per Angliam, tam per terram, quam per aquam, ad emendum, vel vendendum, sine omnibus malis tolnetis per antiquas & rectas cõsuetudines, preterquam in tempore guerrę. Et si sint de terra contra nos guerrina, & tales inueniantur in terra nostra in principio guerrę, attachientur sine dampno corporum suorũ [vel] rerum, donec sciatur à nobis, vel à capitali Iusticiar̃ nostro,

quo.

quomodo Mercatores terræ nostræ tractantur, qui tunc inueniantur in terra illa contra nos guerrina. Et si nostri salui sint ibi, alij salui sint in terra nostra.

Tenure 2. cap. 31.

Si quis tenuerit de aliqua Escaeta, sicut de honore Wallingford', Notting. Boloñ, [Lancastir] & de alijs escaetis quę sunt in manu nostra, & sint baroniæ, & obierit hęres eius, non det aliud relieuium, nec faciet nobis aliud seruitium, quam faceret Baroni, si [illa] baronia esset in manu Baronis, & nos eodē modo eam tenebimus, quo baro eam tenuit. Nec nos occasione talis baronię, vel escaetę habebimus aliquā escaetam, vel custodiam aliquorum nostrorū hominum, nisi de nobis alibi tenuerit in capite ille qui tenuit [de] de baronia, vel escaeta illa.

Tenure 3. cap. 32.

Nullus liber homo det de cetero amplius alicui, vel vendat [alicui] de terra sua, quam vt de residuo terræ suæ possit sufficient fieri domino feodi seruitium ei debitum, quod pertinet ad feodum illud.

Vacations &c. 1. cap. 33.

Omnes Patroni abbatiarum, qui habent chartas Regū Angl' de aduocatione, vel antiquam tenuram vel possession, hēant earum custodiā cum [vacauerint] sicut habere debent, sicut superius declaratū est [cap. 5.] Fitzh. Nat. bre. fol. 140. d.

Appeales 1. cap. 34.

Nullus capietur aut imprisonet ꝓpter appellū fęminę de morte alterius quā viri sui.

Comitie & Turne 1. cap. 35.

Nullus Comitatus de cetero teneatur nisi de mense in mensem, & vbi maior terminus esse solebat, maior sit. [Vide 2.Ed.6.cap.25.] Nec aliquis Vicecomes, vel ballivus suus faciat Turnum suũ per hundredum, nisi bis in anno, & non nisi in loco debito & consueto, viz. semel post Pascha, & iterũ post festum S.Michaelis, & Visus francipleg. tunc fiat ad illum terminum Sancti Michaelis sine occasione. Ita scilicet quod quilibet habeat libertates suas quas habuit, vel habere consueuit tẽpore Regis Henrici aui nostri, vel quas postea perquisiuit. Fiat autem visus de frãkpleg. sic: videlicet, quod pax nostra teneatur, & qd' Trithinga teneatur integra sicut esse consueuit, & q̃ Vicecomes non querat occasiones, & contẽtus sit de eo, quod Vic' habere consueuit de visu suo faciendo, tẽpore H.Reg. aui nostri. [Vide Marlb.cap.10.]

Mortmaine 1. cap. 36.

Nec liceat de cetero alicui, dare terram suam alicui domui Religiosæ, ita quod illam resumat de eadem domo tenend'. Nec liceat alicui domui religiosę terram alicuius sic accipere, q̃ tradat illam illi á quo eam accepit tenend'. Si quis autem de cetero terrã suam alicui domui Religiosę sic dederit, & sup hoc conuincatur, donum suũ penitus casseturr, & terr illa dño illius feodi incurratur. [Vide statutum de Religiosis. Añ 3.E.1.]

Escuage 1. cap. 37.

Scutagium de cetero capiatur sicut capi con-

consueuit tempore H. regis aui nostri.

Franchises 3. cap. 38.

Et saluæ sint Archiepiscopis, Episcopis, Abbatibus, Prioribus, Templarijs, Hospitularijs, Comitibus, Baronibus, & omnib' alijs, tam Ecclesiasticis psonis, quam secularibus, omnes libertates & liberę consuetudines, quas prius habuerunt. Omnes autem istas consuetudines & libertates pdictas, quas cõcessimus in Regno nro tenend' (quantũ ad nos ptinent) erga nos & hered' nostros obseruemus, & omnes de Regno nro, tam clerici quã laici obseruent (quantũ ad se pertinent) erga suos. Pro hac autem donatione & concessione libertaẽ istarũ & aliarũ libertatũ contentarũ in Charta nostra de libertatibus Forestæ, Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, Milites, liberi Tenentes, & omnes de Regno nro dederunt nobis quintodecimam partẽ omniũ mobiliũ suorũ. [Vide Staf 7. Añ 25. E. 3.] Concessimus etiã eisdem p nobis & heredibus nris, qd' nec nos, nec hered' nri, aliquid perquiremus, per quod libertates in hac Charta contentæ infringantur vel infirmentur. Et si ab aliquo contra hoc aliquid pquisit fuerit, nihil valeat, & pro nullo habeatur. His testibus Bonefacio Cantuarien Archepiscop, E. Londonensi Episcopo, & alijs. Datum apud Westmin decimo die Februarij, Anno regni nostri nono.

Nos autem donationes & concessiones prædictas ratas habentes, & gratas eas pro

nobis

nobis & heredibus nostris, concedimus & confirmamus, easq; tenore presentium innouamus, volentes & concedentes pro nobis & heredib' nostris, quod Charta nostra prædicta in omnibus & singulis suis articulis in perpetuum firmiter & inuiolabiliter obseruetur, etiamsi aliqui articuli in eadem charta contenti, hucusq; forsitan non fuerint obseruati, de cetero obseruentur. His testibus venerabilibus patribus R. Cantuariens Archiepiscopo totius Angliæ primate. A. Dunelm Episcopo &c. Datum per manum nostram apud Westmonasterium xxviij. die Martij, Anno regni nostri vicesimo octauo. [Vide Marleb. cap. 5.]

¶Charta de Foresta, edita *Anno 9. Henr. 3.*

EDwardus Dei gratia, Rex Angliæ, Dominus Hiberniæ, & Dux Aquitan, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comit, Baronibus, Iusticiar [forestarijs] Vicec', Preposit, Ministris, & omnibus Balliuis, & fidelibus suis, Salutem. Inspeximus Chartam domini H. quondam Reg. Angliæ patris nostri, de foresta, in hæc verba: H. Dei gratia &c. *vt supra in principio Magnæ chartæ.*

Foresta.

Foresta. I. cap. I.

1 Inprimis, omnes Forestæ, quas H. Auus noster afforestauit, videant per bonos & leg. homines. Et si boscum aliquem alium quam suum dñicũ afforestauerit, ad dampnũ illius cuius boscus ille fuerit, statim deafforestetur. Et si boscum suum proprium afforestaueret, remaneat foresta: Salua coia de herbagio, & alijs in eadem foresta, illis qui prius eam habere consuerunt.

2 Homines vero qui manent extra forestam, non veniant de cetero coram Iustic' nostris de foresta per cões summonitiones, nisi sint implacitati, vel plegij alicuius vel aliquorũ qui attachiati sunt ꝓpter forestam.

3 Omnes autem bosci qui fuerunt afforestati per Regem Richardũ auunculũ nr̃m, vel per Regem Iohannem patrem nostr̃ vsq; ad primam coronationẽ nostram, statim deafforestentur, nisi sit dñicus boscus noster.

4 Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, Milites, & liberi tenentes, qui habent boscos suos in forestis, habeant boscos suos, sicut eos habuerunt tempor̃ primæ coronationis Regis Henrici Aui nostri, ita quod quiet̃ sint in perpetuũ, de omnibus purpresturis, vastis, & assertis, factis in illis boscis post illud tẽpus vsque ad principium secundi anni coronationis nostræ. Et qui de cetero vastum, purpresturam, vel assartum, (sine licentia nostra) in illis fecerint, de vastis, purpresturis, & assartis nobis respondeant.

5 Regar-

5 Regardatores nostri, eant per forestam ad faciendum regardum, sicut fieri consueuit tempore primę coronationis Regis H. aui nostri, & non aliter.

6 Inquisitio vel visus de expeditatione canum existentium in foresta nostra, de cetero fiat quando fieri debet regardũ, scilicet de iij. anñ in tertium annum. Et tunc fiat per visum & testimoniũ legal' hom̃, & non aliter. Et ille cuius canis inuentus fuerit tunc non expeditatus, det ꝑ mia tres solidos. Et de cetero null' bos capiatur pro expeditatione canũ. Talis autem expeditatio fiat ꝑ assisam communiter vsitatam, videlicet, quod tres ortelli abscindantur sine pellota de pede anteriori. Nec expeditenť canes de cetero, nisi in locis vbi consueuerunt expeditari tempore primæ coronationis prædicti regis H. aui nostri.

7 Nullus Forestarius, vel alius balliuus de ceterĩ faciat scotalas, vel colligat herbas, vel auenam, vel bladum aliquod, vel agnos, vel porcellos, nec aliquam collectam faciat, nisi per visum & sacm̃ xij. regardatorũ, quando faciunt regardum. Tot forestarij ponantur ad forestas custodiendas quot ad illas custodiendas rõnabiliter viderint sufficere.

8 Nullum Swanimotum de cetero teneatur in Regno nostr̃, nisi ter in anno, videlicet in principio xv. dierum ante festũ sancti Michaelis, quando agistatores nr̃i conueniunt ad agistandũ dominicos boscos nostros, & circa festum Sancti Martini in Hyeme quando agistatores nr̃i debent recipere pannagiũ nostrum.

nostrum. Et ad ista dua swanimota conueniãt forestarij, viridarij, & agistatores, & nulli alij per districtionem. Et tertium swanimotum teneatur in initio xv. dierum ante festũ sancti Iohannis Baptistæ, pro venatione bestiarum nostrarum. Et ad illud swanimotũ tenẽd' conueniant forestarij, viridarij, & non alij per districtionẽ Preterea singulis xl. diebus per totũ annũ conueniant forestarij, & viridarij, ad videnda attachiamẽta de foresta, tam de viridi quam de venatione, per ꝓsentationem ipsorum forestariorum, & coram ipsis attachienti. Predicta autem swanimota non teneantur, nisi in Comitatu, in quibus teneri consueuerunt.

9 Vnusquisq; liber homo agistet boscum suum in foresta, pro voluntate sua, & habeat pannagium suum. Concedimus etiam quod vnusquisq; liber homo ducere possit porcos suos per dñicũ boscũ nr̃m, libere & sine impedimento ad agistandũ eos in boscis suis ꝓprijs, vel alibi vbi voluerit. Et si porci alicuius liberi hominis vna nocte pernoctauerint in foresta nostra, non inde occasionetur vnde aliquid de suo perdat.

10 Nullus de cetero amittat vitam, vel mẽbra ꝓ venatione nr̃a. Sed si quis captus fuerit & conuictus de captione venationis nr̃e, grauiẽ redimat, si habeat vnde redimi possit. Si autem non habeat vnde redimi possit, iaceat in prisona nostra ꝓ vnum annum & vnum diẽ. Et si post vnum annum & vnũ diem pleg' inuenire possit quod amplius de venatione

tione nostra non forisfaciet, exeat de prisona, sin autem, abiuret Regnum Angliæ.

11 Quicunq; Archiepiscopus, Epus, Com̃, vel Baro, veniens ad nos ad mandat̃ nostrũ, transierit per forestam nostram, liceat ei capere vnam bestiam, vel duas, per visum forestarij si pręsens fuerit, sin autem, faciat cornare, ne videatur hoc furtiue facere. Hoc idem liceat eis redeundo facere, sicut prædictũ est.

12 Vnusquisque liber homo de cetero sine occasione faciat in bosco suo, vel in terr̃ sua, siue in aqua, quam hẽt in foresta nr̃a, molẽd', viuar̃, stagnũ, marleram, fossat̃, vel terrã arabilẽ extra cooperr̃ in terra arabili; ita quod non sit ad nocumentũ alicuius vicini.

13 Vnusquisq; liber homo habeat in boscis suis areas accipitrum, esperuar̃, falconũ, aquilarum, & hieronum. Habeant similiter mel, quod inuenr̃ fuerit in boscis suis.

14 Nullus Forestarius de cetero, qui non sit forestarius de feod', reddens nobis firmam p balliua sua, capiat chimagium aliquod in balliua sua. Forestarius autem de feodo, firmam nobis reddens p balliua sua, capiat chimagium, videlicet, pro carecta p dimid' annũ, duos denarios, & per aliũ dimidiũ annum, duos denarios, & pro equo qui portet summagiũ per dimid' annũ obulũ, & per aliũ dimid' annũ obulum; & non nisi de illis qui extra balliuã suã, tanquã mercatores veniunt p licentiam suã, in balliuã suã, ad boscũ, maremiũ, corticẽ, vel carbonem emend', & alibi

ducend'

ducend' ad vendendum vbi volueris. Et de nulla alia carecta vel [equo portante] summagium, aliquod chimagiū capiatur. Et non capiatur chimagium, nisi in locis in quibus antiquitus capi solebat & debuit. Illi autem qui portant super dorsum suū boscum, corticem, vel carbonem ad vendendū, q̃uis inde viuant, nullum de cetero dent chimagium forestarijs nostris preterquam in dominicis boscis nostris.

15 Omnes vtlagati pro foresta [tantum] à tempore regis H. aui nostri vsq; ad primam coronationem nostram, veneant ad pacem nostram sine impedimēto, & saluos plegios nobis inueniant, quod de cetero non forisfacient nobis in foresta nostra.

16 Nullus constabularius, castellanus, vel balliuus teneant placita de foresta, siue de viridi, siue de venatione [nostra] sed quilibet forestarius de feudo attachiet placita de foresta, tam de viridi quam de venatione, & ea presentet viridarijs prouinciarū, & cū irotulata fuerint, & sub sigillis viridariorū inclusa, presententur capitalibus Iusticiar̄ nostris de foresta, cum in ptes illas venerint ad tenend' placita de foresta, & coram eis terminentur. Has autem libertates de forestis concessimus omnib' &c. Saluis Archiepiscop̄, Episcopis, Abbatibus, Priorib', Com̄, Baronibus, Militibus, & alij personis tam ecclesiasticis q̃ secularib', templarijs, & hospitularijs, libertatibus, & liberis cōsuetudinib' in forestis & extra, in warrēnis & alijs, quas prius habuer̄.

Omnes

Omnes autem istas consuetudines &c. vt in fine Magnæ Chartę. Nos autem donationes &c. vt in fine eiusdem Magnæ Chartę, &c. [Vide Matlb. cap. 5.]

¶ Incipit Statutum de Merton edit. *Anno 20. Henr. 3. &c.*

PRouisum est in Curia domini Regis apud Merton, die Mercurij, in crastino Sancti Vincentij, anno regni Regis Henrici filij Regis Iohannis vicesimo, coram W. Cantuariensi Archiepiscopo, & Coepiscopis suffraganis suis, & coram maiore parte Comitum & Baronum Angliæ ibidem existentium, pro coronatione ipsius domini Regis & Helionoræ Reginæ, pro qua omnes vocati fuerunt, cum tractatum esset de communi vtilitate Regni sup articulis subscriptis, Ita prouisum fuit & concessum, tam a prædict' Archiepiscopis, Episcopis, Comitibus, Baronibus, quam ab ipso Rege, & alijs.

Dower 1. cap. 1.

De Viduis primo, quę post mortem virorum suorum expelluntur de Dotibus suis, & dotes suas, vel quarentenam [suam] habere non possunt sine placito, videlicet, quod quicunque deforciauerit eis dotes suas, vel quarentenam suam, de tenementis quibus viri sui obierunt seisiti, & ipsę viduæ postea per [placitum] recuperauerint, si ipsi deforc' de iniusto

iniusto deforciamento conuicti fuerint, reddant eisdem viduis damna sua, scilicet valorem totius dotis eis contingentis, á tempore mortis virorum suorum, vsque ad diem quo ipsæ viduę per iudicium Curiæ seisinam suam inde recuperauerint. Et nihilominus ipsi deforciatores sint in misericordia domini Regis.

Wils 1. cap. 2.

Item omnes Viduæ de cetero possint legare blada sua de terra sua, tam de dotibus suis, quam de alijs terris & tenementis suis: saluis consuetudinibus & seruitijs dominorum de feodo, quæ de dotibus & alijs tenementis suis debentur.

Reddisseisin 1. cap. 3.

Item si quis fuerit disseisit de libero tenemẽto suo, & coram Iustic' itinerantib' seisinam suam recuperauit, ꝑ Assilam nouę disseisinæ, vel per recognitionem eorũ qui fecerint disseisinam: & ipse disseisitus ꝑ vic' seisinam suã habuerit, si ijdẽ disseisitores postea, post iter Iustic', vel infra de eodẽ tenẽ iterum eundẽ conquerentem disseisiuerint, & inde conuicti fuerint, statim capiantur, & in prisona dñi Regis deteneantur, quousq; per dominũ Regem ꝑ redemptionẽ, vel aliquo alio modo deliberentur. [Vide Marlb. cap. 8.] Et hæc est forma qualiter tales conuicti puniri debeant, videlicet, Cum conquerentes ad Curiam veniant, habeant brẽ dñi Regis Vic' directũ, in quo contineatur eorũ narratio de disseisina facta sup disseisinam. Et ideo man-

det vic', q assumptis secum custodibus placitorum coronę dñi Regis, & alijs legalibus Militibus in ꝓpria ꝑsona sua accedat ad ten illud, vel ad pasturam illã de quib' facta fuerit q̃rela, & coram eis per primos iuratores, & per alios vicinos, & legales homines [de vicineto illo] diligentem inde faciat inquisitionem. Et si ipsum iterũ inuenerint disseisitum (sicut p̃dictum est) tunc faciat secundum ꝓuisionem p̃dictam, sin autem, tunc sit conquerens in misericordia dñi Regis, & alius quietus recedat. Nec debet Vic' (sine speciali precepto domini Regis) hm̃odi loquelam prosequi. Eodem modo fiat de illis, qui seisinam recuperauerint p assisam mortis antecessoris, & similiter de omnib' terris & tenemẽtis recuperatis p Iurat̃ in curia dñi Regis, si postea disseisiti fuerint à prioribus deforciatoribus, versus quos recuperauerint p iurat̃ quoquomodo. [Vide W. 2. cap. 26.]

Approuements 1. cap. 4.

Item quia multi Magnates Angliæ, qui feoffauerunt Milites & alios libere tenentes suos de paruis tenementis in magnis manerijs suis, questi fuerunt, quod commodum suum facere non potuerunt de residuo maneriorum suorum, sicut de vastis, boscis, & pasturis [communibus] cum ipsi feoffati habeant sufficientem pasturam, quantũ pertinet ad tenement̃ suum, [ita] prouisum est, & concessum, quod quicũque hm̃odi feoffati assisam nouæ disseisinæ deferant de communis pasturæ suę, & corã Iusticiat̃ recognit̃ fuerit

quod

quod tantam pasturam habeant, quantũ sufficit ad tenũ sua, & quod habeant liberum ingressum & egressum, de [liberis] tenementis suis, vsq; ad pasturam suam: tunc inde sint contenti, & illi de quibus conquesti fuerint recedant quieti, de hoc quod commodũ suũ de terris, vastis, boscis, & pasturis fecerint. Si autem dixerint, quod sufficientem pasturam non habeant, vel sufficientẽ ingressum, [vel] egressum, quantũ pertinet ad ten' sua, tunc inquiratur veritas p assisam. Et si per assisam recognitũ fuerit, quod per eosdem deforciatores, in aliqua fuerit impeditus eorũ ingressus, vel egressus, vel quod non habeant sufficientem pasturam, & sufficientem ingressum & egressum, sicut prædictum est: tunc recuperent seisinam suam, per visum Iuratorum, ita quod per discretionem & sacramentum eorum habeant conquerentes sufficientem pasturam, & sufficientẽ ingressũ & egressum in forma prædicta, & disseisitores sint in mia domini Regis, & dampna reddant, sicut reddi solent ante prouisionem istam. Si autem recognitum fuerit per assisam, quod querentes sufficientem habeant pasturã, cum libero & sufficienti ingressu & egressu, sicut præd' est: tunc licitè [& liberè] faciant [dñi] commodum suum de residuo, & recedant de illa assisa quieti. [West. 2. cap. 48.]

Vsurje 1. cap. 9.

Similiter prouisum est, & à dño Rege concessum, quod de cętero non current Vsurę contra aliquẽ infra ętatem existen, à tẽpore

mortis antecessoris sui, cuius hæres ipse est, vsq; ad legitimam ętatem suam, ita tamen quod propter hoc non remaneat solutio debiti principalis simul cum vsuris ante mortem antecessoris sui, cui' hęres ipse est, inde prouenientibus.

Wardes 4. cap. 6.

De hęred' per parentes, vel per alios, contra pacem vi abductis, vel detentis, seu maritatis, ita prouisum est, quod quicunq; laicus inde conuictus fuerit, quod puerum aliquem sic detenuerit, abduxerit, seu maritauerit, reddat perdenti valorẽ maritagij: & pro delicto corpus eius capiat, vt imprisonetur, donec perdenti emendauerit delictum si puer maritetur: & pręterea donec domino Regi satis fecerit pro transgressione sua. Et hoc de hęrede infra quatuordecim annos existen. De hęrede autẽ cum sit quatuordecim annorum, vel vltra, vsque ad plenam ętatem, si se maritauerit sine licentia dni sui, vt ei auferat maritagium suum, & dominus eius offerat ei rationabile maritagiũ, vbi non disparagetur, dns suus tunc teneat terram eius vltra terminũ ętatis suę, scilicet xxj. annorũ, per tantum tẽpus quod inde possit percipere duplicem valorẽ maritagij, secundum ęstimationem legalium hominum, vel secundũ quod ei p̃ eodem maritagio prius fuerit oblat, sine fraude & malitia, & secundum quod probari poterit in curia domini Regis.

Wardes 5. cap. 7.

De dominis qui maritauerint illos quos habent

habent in custod', villanis, vel alijs, sicut burgens. vbi disparagent: si talis hęres fuerit infra xiiij annos, & talis ętatis quod consẽtire non possit matrimonio: tunc si parẽtes conquerantur de illo dño, dns ille amittat custodiam vsque ad ætatem hęredis, & omne cõmodum quod inde perceptũ fuerit, conuertatur in commodum ipsius hęredis qui infra ętatem est, secundũ dispositionem & prouisionem parentum suorũ, propter dedecus ei factũ. Si autẽ fuerit 14. annorũ & vltra, quod consentire poterit, & tali maritagio consenserit, nulla sequatur pœna. Si quis hęres cuiuscunq; fuerit ętatis, pro dño suo se noluerit maritare, non cõpellat hoc facere, sed cum ad ętatẽ pueneri, det dño suo & satisfaciat ei de tanto quantũ inde percipere posset ab aliquo ꝑ maritagio suo antequã terrã suam recipiat, & hoc siue se voluerit maritare, siue non: quia maritagiũ eius, qui infra ętatem est, de mero iure pertinet ad dominũ feodi.

Limitation 1. cap. 8.

De narratione discensus in bri de Recto ab antecessore à tẽpore H. regꝭ senioris anno & die, Prouisum est, quod de cętero non fiat mentio de tam longinquo tẽpore, sed à tempore H. regis aui nostri, & locum habeat ista ꝓuisio ad Pentecosten, Anno regni dni Regis nunc 21. & non antea: & breuia prius impetrata ꝓcedãt Breuia mortis Antecessoris, de Natiuis, & de Ingressu, nõ excedãt vltimũ reddit dni regis Iohãnis de Hibernia in Angliã, & locũ habeat ista ꝓuisio &c. vt sup

Breuia nouę diss. non excedant primã transfretationẽ dñi regis qui nunc est in Vasconã, & locũ habeat ista ꝓuisio à tẽpore ꝑdict', & breuia prius impetrata procedant. [Vide West. 1. cap. 38. & 32. H. 8. cap. 2.

Bastardie 1. cap. 9.

Ad brẽ regis de Bastardia, vtrum aliquis natus ante matrimoniũ habere poterit hereditatẽ, sicut ille qui natus est post matrimonium, Responderunt omnes Episcopi, quod nolunt nec possunt ad istud breue respondere, quia hoc esset contra communem formam Ecclesię. Et rogauerunt omnes Episcopi magnates, vt consentirent, quod nati ante matrimoniũ essent legitimi, sicut illi qui nati sunt post matrimoniũ, quantum ad successionem hereditariam, quia Ecclesia tales habet pro legitimis. Et omnes Comites & Barones vna voce responderũt, quod nolunt Leges Anglię mutare, quę hucusque vsitatę sunt & approbatæ.

Attourney 1. cap. 10.

Prouisum est insuper, ꝙ quilibet liber homo, qui sectam debet ad cõm, trithingam, hundred', & wapentag', vel ad Curiam dñi sui, liberè possit facere Attourñ suũ, ad sectas illas ꝑ eo faciendas.

Forests 17. cap. 11.

De malefactoribus in parcis & viuarijs nondũ est discussum, quia magnates petierũt propriam prisonam de illis, quos caperent in parcis & viuarijs suis. Quod quidẽ dominus Rex contradixit, & ideo differtur.

Dies

¶ Dies communes in Banco, edit

Anno 51. H. 3.

Dayes in Banke 1. cap. 1.

SI breue venerit in octabis Sancti Michaelis, tunc dabitur dies in octabis Sancti Hillarij. Si in quindena sancti Michaelis, in quindena sancti Hillarij. Si in tribus septimanis Sancti Michaelis, in crastino Purificationis beatæ Mariæ. Si in mense Sancti Michaelis, in octabis Purificationis beatæ Mariæ. Si in crastino animarum, in quindena Paschæ. Si in crastino Sancti Martini, in tribus speptimañ Paschę. Si in octabis sancti Martini, in mense Paschę. Si in quindena sancti Martini, in quinq; septimanis Paschę. Et est quidem dies specialiter datus in crastino Ascentionis dñi, & tantum valet, quantum v. septimañ Pasch. Si in octa. Hillarij, in octabis Sanctę Trinitatis. Si in quindena Sancti Hillarij, in quindena sanctæ Trinitatis, & aliquando in crastino Sancti Iohannis Baptistę. Si in crastino Purificationis beatę Marię in crastiñ, & in octa. sancti Iohis Bapt. Si in octab. Purificatioñ in xv. sancti Iohānis Baptistę. Si in quindeñ Paschę, in octa. sancti Michaelis. Si in tribus septimanis Paschę, in quindena sancti Michaelis. Si in mense Paschę, in tribus septimanis Sancti Michaelis. Si in v. septimanis Paschæ, vel in crastiñ Ascentionis dñi, in mense S. Michaelis. Si in octabꝫ sanctę Trinitatis, in crastiñ animarū.

Si in quindena sanctæ Trinitatis, vel in crastino Sancti Iohānis Baptistę in crastino sancti Martini. Si in octab. Sancti I. Bapt in octa. sancti Martini. Si in quindeñ Sancti Iohannis Baptiste, in quindena Sancti Martini. Et sic respondet quilibet terminus alij. [Vide 32. H. & cap. 21.]

¶ Dies communes in Banco, in placito Dotis, çdit *Anno 51. H. 3.*

Dayes in banke 2.

SI in octa. Sancti Michaelis breue venerit, dabitur dies in crastino animarum. Si in quindena Sancti Michaelis, dabitur dies in crastino Sancti Martini. Si in mense Sancti Michaelis, in quindena Martini. Si in crastino animarū, in octabis sancti Hillarij. Si in crastino Martini, in quindena Hillarij. Si in octab' Martini, in crastino Purificationis. Si in quindena Martini, in octa. Purificationis. Si in octa. Hillarij, in xv. Paschæ. Si in quindena Hill', in tribus septimanis Pasch. Si in crastino Purificac' in mense Paschæ. Si in octa. Purificac', in crastino Ascentionis. Si in quindena Pasch. in octab. Trinitatis. Si in tribus septimañ Paschę, in quindeñ Trinitatis. Si in mense Paschę, in crastiñ Sāti Iohānis Bapt. Si in quinq; septimañ Paschę, in octabis Sancti Iohis. Si in crastino Ascentionis dñi, in xv. Sancti Iohannis. Si in octa-

bis

bis Trinitatis, in octabis Sancti Michaelis. Si in quindena sanctę Trinitatis, in xv. Sancti Michaelis. Si in crastino Sancti Iohannis Baptistę, in iij. septimaſ sancti Michaelis. Si in octabis sancti Iohannis Baptistę, in mense Sancti Michaelis. Si in quindena Sancti Iohannis Baptistę, in crastino Animarum. [Vide 32.H.8.cap.21.]

¶ Statutum de Marlebridge, edit. *Anno 52. H. 3.*

ANno Gratiæ M.CClxvij. Regni autem domini Henr̃ filij Regis Iohannis quinquagesimo secundo, in octabis S. Martini, prouidente ipso domino Rege, ad regni sui Anglię melioratione, & exhibitione justicię (prout regalis officij expoſcit vtilitas) pleniorem, conuocatis discretioribus eiusdem Regni, tam maiorib' quam minoribus: Prouisum est & statutũ, ac concordatum & ordinatum, vt cum regnũ Angl' multis tribulationibus & dissensionum incommodis nuper [esset] depressum, reformatione legũ & iurium (quibus pax & tranquilitas incolarũ conseruetur) indigeat, ad q̃ remedium salubre per ipsum Regem & suos fideles oportuit adhiberi: prouisiones, ordinationes, & statuta subscripta, ab omnibus regni ipsi' incolis, tam maioribus quam minoribus, firmiter & inuiolabiliter tẽporibus perpe-

perpetuis statuerit obseruari.

Distres 1. cap. 1.

Cum autem tempore turbationis super in regno Angliæ subortæ, & deinceps, multi magnates & alij iustitiam indignati fuerint recipere per dominum Regem, & curiam suam, prout debuerunt, & consueuerũt temporibus prędecessorum ipsius domini Regis, & etiam tẽpore suo: sed de vicinis suis, & alijs per seipsos graues vltiones fecerint, & districtiones, quousque redemptiones recipierent ad voluntatem suam. Et prętereа quidam eorũ, se per ministros domini regis iusticiari non permittant, nec sustineant quod per ipsos liberentur districtiones, quas authoritate propria fecerint ad voluntatem suam. Prouisum est, concordatum, & concessum, quod tam maiores, quam minores, iusticiam habeant & recipiant in curia domini Regis. Et nullus de cętero vltiones, aut districtiones faciat p volũtatẽ suam, absq; consideratione curiæ dñi regis, si forte dampnum vel iniuria sibi fiat, vnde emendas habere voluerit de [aliquo] vicino suo, siue maiore siue minore. Super articulo autem supradicto, prouisum est & concessum, quod si quis de cętero vltiones hmodi capiat per volũtatem suã [propriam] absq; consideratione curiæ domini regis (vt pdictũ est) & inde conuincatur, puniatur per redẽptionẽ, & hoc secundũ quantitatẽ delicti. Et similiter si vicinus sup vicinũ suũ faciat districtionẽ, sine consideratione curiæ dñi regis, p qd dãpnum habeat, puniatur eodẽ modo, &

hoc

hoc secundū quantitatem delicti. Et nihilominus fiant emendę plenè & sufficientèr eis, qui dampna sustinuerint per huiusmodi districtiones.

Distres 2. cap. 2.

Nullus insuper maior vel minor distringat aliquem ad veniend' ad cur' suam, qui non sit de feodo suo, aut sup ipsū non habeat iurisdictionem p hundred', [wapentag'] vel balliuam, [quæ sua sit] nec districtiones faciat extra feodū suum, seu locum vbi bailiuā habeat, vel iurisdictionē. Et qui contra hoc statutū fecerit, puniat' eodē modo, & hoc secundum delicti quantitatē, & etiam qualitatem.

Distres 3. cap. 3.

Si quis autem maior vel minor, permittere noluerit liberari per ministros domini regis, secundum legem & consuetudinē regni, districtiones quas fecerit: aut etiam sustinere noluerit summonitiones, attachiamēta, executiones iudiciorum curię dñi regis fieri [secundū legem & consuetudinē regni vt prędict' est] puniatur modo prędicto, tanquam se iusticiari non permittens, & hoc secū um delicti quantitatē. Et si quis maior vel minor districtiones faciat sup tenentē suū p seruitia & consuetudinib', quę sibi deberi dicat, vel p re altera, vnde ad dominū feodi pertineat districtiones facere, & postea cōunicat, qd' tenens ea sibi non debeat: non ideo puniatur dns per redēptionem, vt in supradictis casib', si permittat districtiones deliberari secundū legē & consuetudinē regni, sed amercio-

cientur, velut hactenus consuetum est, & tenens dampna sua recuperet versus eum.

Distres 4. cap. 6.

Nullus de cętero faciat ducere districtiones quas fecerit, extra comitatū in quocunque fuerint. Et si vicinus hoc fecerit super vicinum suum, & per voluntatem suam, & sine iudicio, puniatur per redemptionē vt supra, veluti de re [facta] contra pacem. Verumtamen si dominus hoc super tenentem suum facere pręsumpserit, castigetur per grauem misericordiam. Districtiones insuper sint rationabiles, & non nimis graues. Et qui districtiones fecerint irrationabiles, & indebitas, graviter amercientur propter excessum districtionum ipsarum. [Vide Statutum Aū 1. & 2. P. & M. cap. 13.]

1. H. 6. fol 3. Si home tient terres per seruice en vn countie, de vn Mannor en auter countie, Seignior poit distraine pur seruices, & amesner le distres al mannor en auter countie.

Confirmation 1. cap. 5.

Magna charta in singulis suis articulis teneatur, tam in his quę ad Regem pertinent, quam quę ad alios, & hoc coram Iusticiis itinerantib' in suis itineribus, & Vic' in comitatibus suis, cum opus fuerit demandetur, & breuia versus eos qui contrauenerint gratis concedantur coram Rege, vel corā Iustic' de bāco, vel coram Iustic' itinerantibus, cum in partes illas venerint. Similiter Charta de Foresta in singulis suis articulis teneatur, & contrauenientes per dōm Regem, cum conuicti fuerint grauiter puniantur modo suprad'.

Wardes 6. cap. 6.

De his autem qui primogenitos & hęredes suos infra ætatem existentes feoffare solent

lent de hæreditate sua, vt per hoc amitterent: domini feodorum custodias suas, Prouisum est, concordatum, & concessum, quod occasione huiusmodi [falsi] feoffamenti, nullus capitalis dñs amittat custodiam suam. De his insuper qui de terris suis, quas tradere voluerint ad terminum annorum, vt per hoc dñi feodorum amittant custodias suas, falsa fingunt feoffamenta continẽtia, quod eis satisfactum est de summa seruitij in illis contenti vsque ad terminum aliquem: ita quod si ad dictũ terminũ soluere teneantur huiusmodi feoffati summã aliquã ad valorem terrarum illarum, vel in multo excedentem, vt sic post terminũ illum terra eorũ reuertatur ad ipsos, vel ad hęredes suos, eo quod nemo eam pro tanto tenere curaret: Prouisum est, concordatum, & concessum, vt per hmodi fraudem nullus capitalis dñs amittat custodiã suam: Veruntamen non licebit eis hmodi feoffatos sine iudicio disseisire: sed breue habeant de hmodi custodia sibi reddenda, & per testes in chartis de huiusmodi feoffamẽto contentos, vna cum alijs liberis & legal' hominibus de patria, & per quantitatẽ & valorẽ tenẽ, & per quantitatem summæ, quę inde reddi debeant post terminum [predictum] attingatur, vtrum huiusmodi feoffamenta bona fide facta sint, an in fraudem, ad auferendum capital' dominis feodorum custodiam suam. Si vero capital' domini per iudicium curiæ in huiusmodi casib' recuperauerint custodiam suam, salua sit nihilominus hmodi feoffatis

actio

actio sua, quo ad terminum, seu ad feodum recuperandũ, quam inde habuerint cum heredes ad legitimam ętatem peruenerint. Et si aliqui capitales Dñi feoffatos aliquos malitiosè implacitauerint, fingentes casum istum, maximè vbi feoffamenta legitimè & bona fide facta fuerint, tunc adiudicentur feoffatis dampna sua, & misæ suę, quas fecerint occasione ꝑdicti placiti, & ipsi actores per misericordiam gratuitè puniantur.

Wardes 7. cap. 7.

In placito vero communi de custodijs, si ad magnam districtionem non venerint deforciatores, tunc bis vel ter iteretur breue prædictum ad terminos quibus fieri poterit, infra medietatem anni sequentis, ita quod singulis vicibus legat breue in pleno comitatu [nisi al' vbi] prius inuentus fuerit deforciator. Et ibi publicè denuncietur, vt veniat ad diem sibi pręfixum. Quod si ipse extunc se subtraxerit, ita quod infra medietatem anni ꝑdicti responsurus non venerit, nec vicecomes eum inuenire possit, per quod corpus suum habere non possit corã Iusticiarijs, ad respondendum secundum legem & consuetudinem regni, tunc (tanquam rebellis, & se iusticiari non permittens) amittat seisinam hmodi custodiæ, salua sibi aliàs actione sua, si fortè ius habeat ad eandem. In casibus autem vbi custodiæ pertinent ad custodes heredum infra ętatem existentiũ versus custodes ill' [petatur custodia quę accidit heredibus illis] tanquam pertinens ad eorũ heredi-

ditates

ditates: & non amittant hmōdi heredes infra ætatem existētes, hereditatem suā per negligētiam, vel rebellionem suorū custodū, sicut in casu p̄dicto, sed currat Lex cōmunis eodē modo quo prius currere consueuit.

Redisseisin 2. cap. 8.

Illi autē qui pro iterata disseisina capt fuerint & detenti, non deliberent sine speciali p̄cepto dñi regis, & hoc per finem cum dño Rege inde faciendū, p hmōdi transgressione sua. Et si cōpertū fuerit qd' vic' aliter eos deliberauerit, ,ppter hoc grauiter amercietur, & nihilominus illi qui per vicecomitem, sine precepto domini Regis, sic deliberantur, pro sua transgressione grauiter puniantur. [Merton cap. 3. West 2. cap. 26.

Suite 1. cap. 9.

De sectis vero faciēdis ad curiam Magnatum, vel ad curiam aliorū dominorū ipsarum cur, de cetero sic obseruandū est, quod nullus qui per chartam feoffatus est, distringatur de cetero ad hmōdi sectam faciendā ad curiam dñi sui, nisi per formam [feoffamenti sui] specialiter teneatur ad sectam illam faciēdam, His autem exceptis quorū antecessores, vel ipsimet, hmōdi sectam facere consueuerunt ante primam transfretationem prædicti dñi Regis Henrici in Britanniam, à tempore cuius transfretationis elapsi sunt xxxix. anni & medietas vnius anni [ad tempus] quo huiusmodi constitutiones fuerunt statutæ, Similiter nullus feoffatus, à tempore conquestus [sine charta] vel aliquo alio antiquo

feoffa-

feoffamento distringatur ad hmodi sectam faciend'; nisi ipsimet, vel antecessores sui, eam facere consueuerũt ante primam transgressionem pdictam. Qui autẽ per cartam pro certo seruitio, veluti pro libero seruitio tot solidorũ annuatim ꝓ omni seruitio soluend' feoffati sunt, ad hmodi sectam, vel ad aliud, contra formam feoffamenti sui, de cetero non teneantur. Et si hereditas aliqua, de qua tantum vnica secta debeatur, ad plures heredes participes eiusdẽ hereditatis deuolutatur, ille vero qui habet enitiam patẽ hereditatis illius, vnicam faciet sectam pro se & participibus suis, & alij participes sui pro portione sua, contribuant ad sectam illam faciendam. Et si plures feoffati fuerint de hereditate aliqua, de qua tamen vnica secta debeatur, dns illius feodi vnicam sectã inde habeat, nec possit de predicta hereditate nisi vnicã sectã exigere, sicut prius inde fieri consueuit. Et si feoffati warrantũ, vel mediũ non habeant, qui [inde] eos acquietare debeat, tunc omnes illi feoffati, contribuant [ꝓ portione sua] ad sectã illam pro eis faciendam. Si autẽ contingat, q dni cur, tenentes suos contra hanc constitutionem, ꝓ hmodi secta distringant, tunc ad querimoniam tenentiũ illorũ attachientur eorum domini, quod ad curiam Regis veniant ad breuem diem, inde responsuri, & vnicum inde habeant essonium si fuerint in Regno, & incontinenter deliberentur conquerenti aueria sua, siue aliæ districtiones, hac occasione factę, & deliberatę

remaneant, donec placitũ inde inter eos terminetur. Et si domini curiarũ, qui huiusmodi districtiones fecerint, ad diem, ad quem attachiari fuerint non venerint, vel diẽ per essonium sibi datũ non obseruauerint, tunc mandetur vicecomiti, qd' eos ad alium diem venire faciat, ad quẽ diem si non venerint, tunc mandetur vicecomiti, quod distringat eos p oia catalla, quæ habent in balliua sua, ita qd' vicecomes respondeat dño Regi de exitibus dicti heredis, & qd' habeat corpora eorũ ad certũ diem sibi pñgendũ corã Iusticiarijs. Ita qd' si ad diem illũ non venerint, eat pars cõquerens inde sine die, & aueria sua, siue aliæ districtiones hac occasione factæ, deliberata remaneant, donec ipsi dñi sectã illam recuperauerint p consideratione curię regis, & cessent interim hmodi districtiones, saluo dñis curiarum iure suo de sectis illis recuperandis in forma iuris, cum inde loqui voluerint.

Et cum dñi curiarũ inde venerint responsuri conquerentibus de hmodi districtionibus, & sup hoc cõuincantur, tũc p consideratione curię dñi regis recuperent versus ipsos conquerentes dampna sua quę sustinuerunt occasione districtionis pd'. Simili autẽ modo si tenẽtes, post hanc constitutionẽ, subtrahũt dñis [teodorum] sectas quas facere [debeant & quas ante tẽpus pdict' transfretationis, & hactenus facere consueuerunt, tunc p eandẽ justitiam, & celeritatẽ quo ad dies pñgend', & districtiones adiudicand', consequãtur dñi curiarũ justitiam de sectis illis pquirẽdis, vna

cum dāpnis suis quēadmodū tenētes dāpna sua recuperarēt. Et hoc scz, de dampnis recuperādis, intelligatur de subtractionib' sibi factis, & non de subtractionib' factis prędecessoribus suis. Veruntamen dñi curiarum versus tenentes suos seisinam de huiusmodi sectis recuperare non poterūt per defaltam, sicut prius fieri consueuit. De sectis autem quę ante tempus supradictum subtractę fuerunt, currat Lex communis, sicut prius currere consueuit.

County & Tourne 2. cap. 10.

De Tournis Vic' prouisum est, qd' necesse non habeant ibi venir Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, nec aliqui viri Religiosi, seu Mulieres, nisi eorum pręsētia ob aliquam causam specialiter exigatur, sed teneatur Turnus, sicut temporibus prędecessorū dñi Regis teneri consueuit. Et qui in [diuersis] hund' habeant tenementa, non habeant necesse ad huiusmodi Turnos venire, nisi in balliuis vbi fuerint conuersantes. Et teneantur Turni secundū formam Magnæ chartæ, & sicut temporibus Regum Rich. & Iohannis teneri consueuerunt. [Vide Mag. chart. cap. 35.

Beaupleder 1. cap. 11.

Prouisum est etiā, qd' nec in itinere Iustic', nec in com̄, in hundred', nec in cur̄ Baron̄ de cętero capientur fines ab aliquib' p̄ pulchre placitando, neque [pro eo] qd' non occasionentur. Et sciēdū est, qd' p̄ istam constitutionem non tollūtur fines certi, seu pręstationes

arrenta-

arrentatę à tempore quo dominus Rex primũ transfretauit in Britanniam vsq; nunc.

Dayes in banke 3. cap. 12.

In placito vero dotis, qd' dicitur vnde nihil habet, dentur de cętero quatuor dies per annum ad minus, & plures si cõmodè fieri poterit, ita quod habeant quinque vel sex dies ad min' p annũ In assisis [autem] vltime presentationis, & in placito quar imped' de ecclesijs vacantibus, dentur dies de quindena in xv. vel de trib' septimanis in tres septimanas, put locus fuerit propinqu', vel remotus.

Quare impedit 1. cap. 13.

Et in placito quar impi si ad primum diem ad quem summonitus fuerit, non venerit nec essonium miserit impeditor, tunc attachiet ad alium diem, quo die si nõ venerit, nec essonium miserit, distringatur per magnam districtionẽ superius datam. Et si tunc non venerit, p eius defaltam scribatur episcopo illi' loci quod reclamatio impeditoris, illa vice conquerenti non obsistat, saluo impeditori alias iur suo, cum inde loqui voluerit. Eadẽ lex de attachiamtis faciendis in omnib' brevibus vbi attachiamenta iacent de cętero (quoad districtiones faciend') firmit obseruet: ita tmen quod secund' attachiamentum fiat p meliores pleg', & postmod' vltima districtio. [Vide Art sup chartas cap. 15.]

Essoine 1. cap. 14.

Et sciendum est [quod] postquam aliquis posuerit se in inquisitionem aliquam, quę emerserit, vel emergere poterit in huiusmodi

cum dāpnis suis quēadmodū tenētes dāpna sua recuperarēt. Et hoc scz. de dampnis recuperādis, intelligatur de subtractionib' sibi factis, & non de subtractionib' factis prędecessoribus suis. Veruntamen dñi curiarum versus tenentes suos seisinam de huiusmodi sectis recuperare non poterūt per defaltam, sicut prius fieri consueuit. De sectis autem quę ante tempus supradictum subtractę fuerunt, currat Lex communis, sicut prius currere consueuit.

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De Tournis Vic' prouisum est, qd' necesse non habeant ibi venir Archiepiscopi, Episcopi, Abbates, Priores, Comites, Barones, nec aliqui viri Religiosi, seu Mulieres, nisi eorum pręsētia ob aliquam causam specialiter exigatur, sed teneatur Turnus, sicut temporibus prędecessorū dñi Regis teneri consueuit. Et qui in [diuersis] hund' habeant tenementa, non habeant necesse ad huiusmodi Turnos venire, nisi in balliuis vbi fuerint conuersantes. Et teneantur Turni secundū formam Magnæ chartæ, & sicut temporibus Regum Rich. & Iohannis teneri consueuerunt. [Vide Mag. chart. cap. 35.

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arrentatę à tempore quo dominus Rex primũ transfretauit in Britanniam vsq; nunc.

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Essoine 1. cap. 14.

Et sciendum est [quod] postquam aliquis posuerit se in inquisitionem aliquam, quę emerserit, vel emergere poterit in huiusmodi

breuibus, non habebit nisi vnicũ essoniũ, vel vnicam defaltam, ita qd' si ad diẽ sibi datum p essoniũ suum non venerit, aut secundo die defaltam fecerit, tunc inquisitio illa per eius defaltam capiatur, & secundũ inquisitionem illam ad iudiciũ ꝓcedatur. Si vero inquisitio illa capta fuerit in comitatu corã vicecomit vel coronatore, ad Iusticiarios dñi Regis ad certum diem est remittendũ. Et si pars rea non venerit ad diẽ illũ, tunc ꝓpter defaltam ipsius assignetur & alius dies, secundum discretionem Iusticiariorũ, & mandetur vicecomiti, qd' ad diem illũ faciat eum venire ad audiendũ indicium (si velit) secundũ inquisitionem illam. Ad quem diem si non venerit, ꝓpter defaltam suam ꝓcedatur ad iudicium. Eodem modo fiat, si non veniat ad diem sibi datum per essonium suum.

Iurours 1. cap. 15.

De chartis vero exemptionis, & libertatis, ne ponãtur impetrantes in assisis, iuratis, vel recognitionibus aliquibus: Prouisũ est, qd' si adeo necessarium sit eorum iuramentũ, quod sine eis iusticia exhiberi non poterit (veluti in magnis assisis, & in perambulationibus, & in chartis vel scriptis conuentionum, vti fuerunt testes nominati, aut in attinctis, vel alijs consimilibus) iurar̃ cogantur, salua sibi aliàs libertate, & exemptione sua prędicta.

Distres 5. cap. 16.

Nulli de cętero liceat, ex quacunq; causa districtiones facere extra feodum suum, nec in via Regia, aut in communi strata, nisi dño

Regi,

Regi, & ministris suis specialem authoritatem ad hoc habentibus. [Westminister 1. cap. 16.]

Mortdaunceſtor 1. cap. 17.

Si hęres aliquis post mortem antecessoris sui infra ętatem extiterit, & dns suus custodiam terrarū, & tenemētorum suorū habuerit, si dominus ille dicto hęredi, cum ad legitimam ętatē peruenerit, terrā suam sine placito reddere noluerit, hæres ille terrā suam per assisam mortis antecessoris recuperabit, vna cum dampnis suis, quę sustinuerit ꝓpter detentionem illam, á tempore quo fuit legitimæ ętatis. Et si hęres aliquis tempoꝝ mortis antecessoris sui plenę ætatis fuerit, & ille hęres apparens, & pro hęrede cognitus & inuētus sit in hęreditate illa, capitalis dominus eum non eijciat, nec aliquid sibi capiat, vel amoueat, sed tamen inde simplicem seisinam habeat pro recognitione dominij sui vt pro dno cognoscatur. Et si capitalis dominus hmodi hęredem extra seisinam malicioſè teneat, ꝓpter q breue mortis antecessoris, vel consanguinitatis oporteat ipsum impetrare, tunc dampna sua recuperet sicut in assisa nouæ disseisinę. De hęredibus autem, qui de domin Rege tenent in capite, sic obseruandū est, vt dns Rex primam inde habeat seisinam, sicut pri' inde habeꝝ cōsueuit. Nec hęres nec aliquis ali' in hęreditat illā se intrudat, priusquam illā de manibus domini regis recipiat, prout hmodi hęreditas de manibus ipsius & antecessorū suorū recipi consueuerit tempo-

ribus elapsis. Et hoc intelligatur de terris & feodis, que ratione seruitij militaris, vel serieantiæ, siue iuris patronatus in manibus dñi regis esse consueuerunt. [Vide Prerogatiua cap. 3. Et Glanuil lib. 7. cap. 9. fol 4.

Wardes 8. *cap.* 18.

Prouisum est insuper, qd' si terra, que tenetur in Socagio, sit in custodia parent' hered', eo quod heres infra ætatem extitit, custod' illi vastum facere non possunt, nec venditionem nec aliquam destructionem de hæreditate illa, sed saluo eam custodiant ad opus dicti hered', ita quod cum ad legitimam ętatem peruenerit, sibi rndeant de exit' dicte hereditatis, per legalem computationem, salnis ipsis custodibus rationabilibus misis suis. Nec etiam possunt dicti custodes maritagiũ dicti heredis dare vel vendere, nisi ad commodum dicti heredis: sed parentes dicti hered' propinquiores, qui huiusmodi custodiam habuerint, a toto tẽpore illo à quo breuia non conceduntur implacitandi, hmodi custodias habeant ad commodum heredum vt predictum est, sine vasto, vel exilio, vel destructione faciendo.

Amercement 2. *cap.* 19.

Nullus Escaetor, vel Inquisitor, aut Iustic' ad assisas aliquas specialiter capiendas assignatus, vel ad querelas aliquas audiendum & terminandum, de cętero habeant potestatem aliquam amerciandi pro defalta communis summonitionis, nisi capit Iustic', vel Iustic' itinerantes in itineribus suis.

Essoine 2. cap. 20.

De Essonijs autem prouisũ est, qd' in com̃, hundred', aut in curia baron̄, vel alijs curijs, nullus habeat necesse iurare pro essonio suo warrantizand'. [Vide Glanuill lib. 1. cap. 12. fol. 4.

Faux iudgement 1. cap. 21.

Nullus de cętero (excepto dn̄o Rege) teneat placitum in curia sua de falso iudicio facto in cur̄ ten̄ suorum, quia hm̄odi placita specialitèr spectant ad coronam & dignitatem dn̄i Regis.

Repleuin 1. cap. 22.

Prouisum est etiam, qd' si aueria alicuius capiantur, & iniustè detineantur, Vic' post queremoniam inde sibi factam, ea sine impedimento vel contradictione eius qui dicta aueria cęperit, deliberare possit, si extra libertates capta fuerunt. Et si infra libertates capta fuerint hm̄odi aueria, & balliui libertatis, ea deliberare noluerint, tunc vic' pro defectu ipsorum balliuorum ea faciat deliberari.

Freehold 1. cap. 23.

Nullus de cętero possit distringere libere tenentes suos ad rn̄dend' de libero tenemẽto suo, nec de aliquibus ad liberũ ten̄ suum spectantib', nec iurare faciat libere tenẽtes suos contra voluntatem suam, quia hoc null' facere potest sine pręcepto domini Regis.

Accompt 1. cap. 24.

Prouisum est etiam, quod si Balliui, qui compotum suũ dominis suis reddere tenent̄, se subtraxerint, & terras vel tenementa

non habuerint, p quę distringi possunt, tunc per eorum corpora attachientur, ita quod vicecomes in cuius balliua inueniantur, eos venire faciat ad compotũ suum reddend'.

Wardes 3. cap. 25.

Item firmarij tempor firmarum suarũ vastum, venditionẽ, vel exiliũ non faciẽt de domibus, boscis, vel hominibus, nec de aliquibus ad tenement qd' ad firmam habent spectant, nisi specialẽ inde habuerint concessionem per scriptũ conuentionis mentionẽ faciẽs q hoc facere possunt. Quod si fecerint, & super hoc convincantur, dãpna plena restituãt, & p misericordiam grauiter puniantur.

Iustices in Eire. cap. 26.

Iusticiarij itinerantes de cętero non amercient villatas in itinere suo, pro eo q singuli xij. annorũ non venerint coram Vicecomitibus & Coronatoribus, ad inquisitionem de roberijs, incendijs domorũ, vel alijs ad Coronam spectantib' faciend': Dum tamen de villatis illis veniant sufficientes, per quos inquisitiones hmodi plenè fieri possunt, exceptis inquisitionibus de morte hominis faciend', vbi omnes xij. annorũ venire debẽt, nisi rationabilẽ causam habeant absentię suæ.

Murder 1. cap. 27.

Murdrum de cętero non adiudicetur coram Iusticiar, vbi infortunium tantummodo adiudicatũ est, sed locum habeat murdrũ de interfectis per feloniã tantũ, & non aliter.

Voucher 1. cap. 28.

Prouisum est, quod nullus qui coram Iusticiar

ciar̃ itinerantibus vocatur ad warrantũ in placito terre, vel tenẽ, amercietur de cętero, pro eo q̃ pręsens non fuerit quando vocatur ad warrantum (excepto primo die aduentus Iusticiar̃ ipsorum) sed si [warrantus] ille fuerit infra comitat̃, tunc iniungatur vicecom̃, q̃ ipsũ infra tertium diem, vel quartũ (secundum locorum distantiam) faciat venire, sicut in itinere Iusticiar̃ fieri consueuit. Et si extra comitat̃ maneat, tunc rationabilem habeat summonitionem xv. dierum ad minus, secundum discretionem Iusticiar̃ & legẽ communem.

Mainprise and baile 1. cap. 29.

Si Clericus aliquis pro crimine aliquo, vel retto, quod ad coronam pertineat, arestatus fuerit, & postmodum per pręceptum domini Regis in balliuum traditus [fuerit] vel replegiatus extiterit, ita quod hij quibus traditus fuerit in balliuum, eum habeant coram Iusticiar̃, non amercientur de cętero illi quibus traditus fuerit in balliuum, nec alij pleg' sui, si corpus suũ habeant coram Iusticiar̃, licet coram ęis propter priuilegium clericale respondere noluerit, vel non potuerit propter Ordinarios suos.

Monasteries &c. 1. cap. 30.

Prouisum est, quod si deprædationes, vel rapini aliqui fiant Abbatibus, Prioribus, vel alijs Prælatis ecclesiasticis, & ipsi ius suum de hm̃odi deprædationibus prosequentes morte preueniantur, antequam iudiciũ inde fuerint assequuti, successores eorum habeant actio-

actiones ad bona Ecclesiæ suæ de manibus huiusmodi transgr̃ repetend'. Similem insuper habeant actionem successi, de his quæ domui suæ & ecclesię recenter ante obitum prædecessorũ suorum per hũmodi violentiam fuerint subtracta, licet prędicti prędecessores sui ius suum ꝓsecuti non fuerunt in vita sua. Si autem in terris & tenementis huiusmodi religiosorum, de quibus eorum Prelati obierint seisiti, vt de iure ecclesię suæ, aliqui se intrudant tempore vacationis, successores sui br̃e habeant de seisina sua recuperand', & adiudicentur eis dampna sua, sicut in noua disseisina adiudicari consueuit.

Entrie of writs 1. *cap.* 31.

Prouisum est etiam, quod si alienationes illę, de quibus breue de Ingressu dari consueuit, per tot gradus fiant, per quot br̃e illud in forma prius vsitata fieri non possit, habeant conquerentes breue ad recuperandum seisinam suam, sine mentione graduum, ad cuiuscunque manus per huiusmodi alienationes, res illa deuenerit, per breue originale, & per commune consilium domini Regis inde prouidendum &c.

Westm

¶ Westminster primer, ędit
Anno 3. Edw. 1.

CEux sont les establishments le Roy Edward fitz le Roy H. faits a westminstr, a son primer parliament general apres son coronement, lendemaine de la chise de Walche, ian de son raigne 3. per son Counsell, & p lassentments des Archiuesques, Euesqs, Abbes, Priors, Counties, Barons, & tout la Communaltie de la terr illonqs summones: Pur ces q nostre Seignior le Roy ad graund volunt & desire del estate de son Realme redresser en les choses ou mestier est damendement, & ceo pur le common pfit de saint Esglise, & de [son] Realme, & pur ceo q lestate de son Realme, & de saint Esgl ad este malement garde, & les Prelates & Religious de la tre en mults des maners grieues, & le people auterm̃t treit q estr̃ duist, & la peace meines garde, & les leyes meins vses, & les mesfesants meins punies, q estre duisset, p quoy les gentes de la terr̃ doubteront meins a mesfaire: cy ad le Roy ordeine & establie, les choses southscripts, les q̃ux il entend destre pfitables & couenables a tout le Realme.

Monasteries 2. cap. 1.

En primes voit le Roy & commaũde, que la peace de saint Esglise, & de la tre, soit bien garde & mainteigñ en toutz points, & q common droiture soit fait a touts, auxybien as pouers, come as riches, sans regard̃ de nul-

iuy.

luy. Et pur ceo que les Abbies, & les mes-
sons de religion de la terre, ont este surcharg-
ges & greues malement, per le venue des
graundes gents & dauters. q̃ lour biens ne
suffisient a eux mesmes, per q̃ les religious
sont ci abates & impouers, que ils ne poient
eux mesmes sustenir, ne la [charge de] cha-
ritie quils soient faire. Puruiew est q̃ nul
ne veigne manger, herberger, ne giser a
meason de religion dauter auowson, q̃ de la
laine, al costages de la meason, sil ne soit
prie & requise specialment per le gouernour
de la meason, auant q̃ il veigne. Et que nul
a ses costages demesne, ne entr̃, ne veigñ gi-
ser encounter la volunt ceux de la meason.
Et p cel estatute nentēd pas le roy, q̃ grace
de hospitality soit sustreit as beloignes, ne q̃
les auowes des measons lez puissent p lour
souēt venues surcharger ne destruer. Puru-
iew est ensemēt, q̃ nul graund ne petit, per
colour de parent, ou despecialty, ou p auter
affiance, ne per auter enchesون, ne courge en
auter parke, ne peshe en aut̃ viuer, ne veigñ
manger ne herberger, en meason, ne en ma-
nour, ou en meason de Prelate, ne de homme
de Religion, ne dauter, encounter la volunt
le seignior, ou le bailife, de costages le seig-
nior, ne a son cost demesne. Et sil veigne, ou
enter p le gre, ou sans le gre le seignior ou
le bailife, nul sarure, huis, ne fenestre, ne nul
maner de ferme ne faire ouerer, ne de peches
per soy, ne per auter, ne nul maner de bitaill
ne auter chose preign̄ per colour de achate,

ne

ne auterment. Et q̃ nul face barter bleé, ne
prender bleé, ne nul maner de vitaile, ne les
autrs bien, de nulluy Prelate, hõe de Reli-
gion, ne de auter, ne de clerke, ne de lay, per
colour de achate, ne auterment, encounter la
[bone] volũt, & le conge de celuy, a q̃ la chose
serra, ou de gardein, deins ville marchan-
dise, ou dehors. Et que nul preigñ chiuals,
boles, chares, ne charets, neefes, ne bateux,
ne autrs choses affaire carriage, sans le bone
volunt de celuy, a q̃ les thoses serront. Et
si il per la bone volunt de celuy le face, lors
maintenant face son gree solonqz le couenãt
fait enter eux. Et ceux q̃ viedront encounter
les establishmẽts auantdits, & de ceo soient
attaintes, soient aiudges a la prison le roy,
& dillonq̃s soient rentes, et punies solonqz
la quantitie & le maner du trespas, & solonqz
ceo q̃ la Roy en sa court veier q̃ bien soit.
Et soit assauer, que si ceux a q̃ le trãs fuit
fait, voillent suer les damages, que ils auer
receux, lour serẽ agarõ & restore au double.
Et ceux q̃ le trespas aueront fait, soiẽt ensẽ-
ment punies en le maner auãtdit. Et si nul
ne voile suer, eit le Roy la suit, come de chose
fait encounter son defence, et encounter sa
peace. Et le Roy fra enqrie de an en an, si
come il quidra q̃ bien soit, q̃ux gents eyent
tiel trespas fait. Et ceux q̃ux serrõt enditez
p ceux enq̃sts, serront attaches & distre gñ
p la graũd distresse, de vener a certein iour,
que conteigne le space dun moys en la court
del roy, la ou luy plerra. Et si ceux ne veigñ

a cel

a cel iour, ils serront auterfoits de recheff
distreign p mesme distr, de vener a vn auter
iour, q conteign le space de vj. semaignes.
Et si ceux adonqz ne veignet, soient adiuges come attaintes, & rendent le doubl
(per le suit del Roy) a ceux queux le dam
aueront resceux, & soient greuement rentes,
solonqz le maner del trespas. Et le Roy de
fende & commaunde, q nul desormes ne face
male, dam, ne greuance a nul home de Reli
gion, pson de saint Esglis, ne a auter, p en
cheson de ceo q ils eyont deny lhostelr, ou le
manger a nulluy, ou per encheson de ceo que
ascun soy pleint ou court, de ceo que il soit
greuz des ascun choses auatdits, & si ascun
le face, & de ceo soit attaint, soit encurre la
peine auatdit. Et est puruiew q ces points
auantdits lient auxibien nous councellors,
Justices del forest, & auter nous Justices,
come auts gents: Et q les points auatdits
soient mainteignes, gardes, & tenus. Cy de
fende le Roy sur sa greue forfaiture, que nul
Prelate, Abbe, Prior, home de religion, ou
bailife dascu de eux, ou del auter, ne resceiue
nul home encounter la forme auantdit. Et
q nul enuoy au meason, ne au manor de reli
gion, ne de aut hõe, gents, chiualr, ne chiens
a soiourn, ne nul lez resceiue. Et q le tra, pur
ceo q est encoter le defence & le cõmaunde
met le Roy, il serra punishe greuemet. Auc
ore est puruew, q le Vic ne herberget ou
nulluy, ouesqz plus que v. ou vj. chiualr, ne
q ils ne greueuent la gentes de Religion, ne

auter

auter per lour souent vener, ou giser a lour
measons, ne a lour manors.

Clergie 1. cap. 2.

¶ Purueiw est ensement, q̃ quant Clerke
est prise pur rette de felony, & il soit demãde
per Lordinary, il luy sout liuer, solonz le
priuiledge de saint Esglis, en tiel peril cõe
ils appent, solonz le custome auaunt ces
heures vse. Et le Roy amonist les Prelates, & eux enjoyne en la foy q̃ ils luy doiẽt,
et pur la cõmon pfit de la peace de la terre,
que ceux q̃ sont endites de tiel rette per solempne questes des probes homes fait en la
court del Roy, en nul maṁ ne les deliuerent
sans due purgation, issint que le Roy neit
mestier de mitter auter remedie.

Escape 1. cap. 3.

¶ Purueiw est ensement, que nul rien desormes soit demaunde, ne prise, ne leuie per
Vicont, ne per auter, pur escape de larron, ou
felon, iesqz a taunt que lescape soit adiudge
per Justices errants. Et que auterment le
ferra, cy rendza a celuy, ou a ceux que cel
aueront paie, quant que il auer prise & rescetue, & au Roy au tant.

Wrecke 1. cap. 4.

¶ De wrecke de mere, est accorde, que la
ou home, chien, ou catte, escape viues hors
de la niefe, la niefe ou batell, ou nul rien, q̃
la eins fuit, ne soit [adiudge] wrecke, mes
soient les choses saues & gardes per le vieu
del vicont, coroñ, ou alios, & del baily le roy,
& bailes en lez maines ceux de le ville, ou les

choses

choses sont trouues, illiint q̃ si nul sue les biens, & puit prouer q̃ ils soient, ou a son seigniour, ou en sa garde peris, deins ian & le iour, sans delay iuy soient rendus: sinon, remaigne au roy. Et soient prises per le bil & Coroners, & bailes a la ville pur respoigñ deuant Justices de wrecke q̃ appent a roy. Et la ou wrecke appent a auter q̃ au Roy, ci le eit p mesm le maner. Et q̃ auterm̃t fra, & de ceo soit attaint, soit agarde al prison, & rente al bolsit le roy, & rẽdra les dam̃s ensement. Et si le baylife le face, & soit disanow de son sir, & le sir ne ottrie de ceo a luy, respoigñ le baylife, sil eit de quoy, & sil neit de quoy, rẽdra le sir le corps du bailife au roy.

Election 1. cap. 5.

¶ Et pur ceo que elections doyent estre frankes, cy defend le Roy sur la greue forfaiture, que nul hault home, ne auter, per poyar des armes, ne per manaces, ne disturbe de faire franke election.

Amercement 3. cap. 6.

¶ Et que nul Citie, Borough, ne ville, ne nul home soit amerce sans reasonabl' encheson, & solonq̃ le quantitie del trfis, ceasaisauour, franke home saue son contenemẽt, marchant saue son marchandize, & villein saue son gainage, & ceo per iour peres.

Purueiours 2. cap. 7.

¶ Des prises des Constables, ou Castelleines, faits des auters q̃ des gents de la vill', ou la castels sont assise. Puruiew est, q̃ nul cõstabl' ne castelain deiormes nul man

de prist

de prise ne face dauter home q̃ de la ville ou son castle est assise, & ceo soit paie, ou gre fait deins xl. iours, si ceo ne soit auncient prise dite au Roy, ou a castle, ou al seignior del castle.

Beaupleader 2. cap. 8.

¶ Et que nul rien soit pris pur beaupleader, sicome auterfoits fust defendu en temps le Roy Henry, pier le Roy q̃ ore est, [Marlebridge cap. 11.

Robberie 1. cap. 9.

¶ Et pur ceo que la Peace de la terre ad estre feblement garde auant ces heures, pur defaut de bon iust fait sur les felons solonc lur manier, & noscent p encheson des franchises ou les felons sont rescues: Puruiedo est, q̃ touts cõmunement soient pristes, & aparailes, au commaundement & a les summons des vicounts, & au crie de pays, de suer & arester les felons, quant mestier fra, auxibien deins frãchises come dehors. Et ceux q̃ ceo ne ferront, & de ceo soient attaintes, le Roy prendra a eux greuement. Et si defaut soit troue en le sur de la franchise, le Roy se prẽdra a m̃ le franchise. Et si le defaut soit troue en le bailif, eit lẽprisonment dun an, & puis soit greuement rente, & sil nieit de quoy, eit lenprisonment de iiij ans. Et si aucun, Coroner, ou aut bailife deins franch, ou dehors, p lower ou p prier, ou p poies, ou p nul mal desintie, conceient, consentent, ou peurent de conceler, les felonies faites en lour bailies, ou auterment, se teignont attacher, ou arrester les

malfeisants per la ou ils purr, ou autrement se feignont de faire lour office, en nul maner de fauour des malfeisants, & de ceo soient attaintes, q̃ ils eient lenprisonment dun an, et puis soient greuement rentes a le volunt le Roy, sils eyent de quoy, si non, eyent lenprisonment de iij. ans.

Coroners i. cap. 120.

¶ Et pur ceo q̃ petits gents meins sages soient esliens ore de nouel cõmunement al office de Coroñ: et mestier serroit q̃ probes homes loisir & sages se entermellent de cel office: Puruiew est, que p touts les comties soient esliens suffisant homes Coroñs, des plus loials & plus sages chiualiers, q̃ux melius sachent, puissent, et voilent a cel office entend̃, & que loyalment attachent & representent les plés de la corone. Et que le Vicont eit counter rolles oue les Coroners, auybien des appeales, come des enquests, de attachments, ou des auters choses, que a cel office appendent. Et q̃ nul Coroner riens dõe, ne preigñ de nullui pur faire son office, sur peine de la greue forfeiture al Roy. [14. E. 1. stat Coroñ.]

Odio & atia i. cap. 11.

¶ Et pur ceo que plusors reintes de mort de home, & q̃ sont culpable de ñ le mort sont (per fauorables enquests, prises p visconts & per brieue le Roy que est appell Odio & atia) repleuies, iesq̃z a le bauine des Justices errants: Puruiew est, q̃ tiel enquests soient deliurees prises p probes homes, esliens

per serement, dont les deux soient a meins chivalers, q̃ p nul affinitie, touchent a les pysoners, ne auterment ne soient suspecions. [Glouc cap. 9. West. 2. cap. 29.]

Felonie 1. cap. 12.

¶ Purvieu est ensement, que les felons escries, e q̃ux sont appertmẽt de male fame, et ne soy voilent mutter en enquests des felonies q̃ home mette sur eux devant Justices a le suit le Roy, soyent mises en la prison forz e dure, come ceux q̃ux refusent estre al cõmon ley de la terre. Mes ceo nest mye a entendre pur pysoners que sont prises pur legier suspection.

Rape 1. cap. 13.

¶ Et le Roy defende, que nul ne rauise ne preigne a force damesell deins age, ne p sa gre, ne sans sa gre, ne dame ne damesell de age, nauter feme manger le soen. Et si il le face, a le suite celuy q̃ fuera deins les Iours, le Roy luy fra cõmon droiture. Et si nul cõmence la suit deins les Iours, le Roy fuera, e ceux q̃ux il trouera culpables, ils aueront la prisonment de ij. ans, et puis serront rentes a la volunt le Roy, et sils neient dont estre rentes, soient punies per plus longe prisonment, solonqz ceo que le trespas demaunde.

Appeales 2. cap. 14.

¶ Et pur ceo q̃ home ad vse en aucun pays de vliager les gentes appeales de cõmãdement, force, eid, ou de receipteint, deins m la terme, q̃ hõe doit vliager celuy q̃ est appelt

 de fait:

de fait: Puruiew est & commaunde per le Roy, q̃ nulk ne soit vtlage pur appelk de co̅maundem̃t, force, aide, ou de receiptm̃t, iesq̃ a taunt q̃ lappellee del fait soit attaint, issint que vn mesm̃ ley soit de ceo per tout la terre, mes celuy q̃ voit appeller, ne lessa pas pur ceo de attacher son appelk, al pcheine counties vers ceux, auxibien come vers les appellees du fait: Mes lexigent de eux demurge tanq̃ les appellees de fait soient attaintes p vtlagary, ou auterment.

Mainprise 2. cap. 15.

¶ Et pur ceo q̃ Vilcounts, & auters, q̃ux ount prises & retenus en prison, gẽs rettes de felonie [et] meint foits ount lesse p repleuin les gents, q̃ux ne sont mp repleuisables, et ont deten' en prison ceux q̃ux sont repleuisables, p enchelon de gaugẽ des bns, & de greuer les auters, et pur ceo que auant ces heures ne fuit mp determine [certeinment] q̃ux gentes fussent repleuisables, & queux non, forspris ceux queux fussent prises pur mort de home, ou per commaundem̃t le Roy, ou de lez Justices, ou pur la forest: Puruiew est, & p le Roy commaunde, q̃ les prisoners queux sont auant vtlages, & ceux q̃ux eyent forfiture la terr̃, prouours, et ceux q̃ux sont prises oue maner, & ceux queux ont debrus la prison le Roy, larons apertm̃t escries & notories, & ceux que sont appelles des prouours, tanq̃ come les prouours sont en vie (sils ne soient de bons fame) & ceux q̃ux sont prises pur arsoit felonsouslement fuit, ou pur

fauz

fauz money, ou fauzer le Seale le Roy, ou excomunenge pzise per pzier Leuesqz, ou pur appiert malueist, ou pur Treason q̃ touche le Roy mesme, ne soient en nul maner repleuisables p le cõmon bre, ne sans bre: Mes ceux q̃ux sont endictes de Larceny per enq̃ts des visconts, ou des bailifes pzises de lour offices, ou pur legier inspection, ou pur petit larceny, q̃ namount ouster le value de xij. deniers, sils ne soient rettes dauter larceny, deuãt cel heure, ou rettes de receiptm̃t des larons, ou des felons, ou de cõmaundement, ou de la fozce, ou del aide de le felony fait, ou rettes dauter trãs, pur le q̃l vn ne doit perdze vie ne mẽber, & home appelk de pzouour puis la mozt le puour, sil ne soit apert laron escrie, soit desozmes lesse p sufficiant pleuin, deuãt le vicont, dont le vik voilk respondẽ, & ceo sans rien dofi de lour biens pur la pleuin. Et si le vik ou auk tessent per pleuin vlk, q̃ ne soit repleuisable, si ceo soit vik, constable, ou auk bailik de fee q̃ eit garde de pzisons, & de ceo soit attaint, perdẽ le fee & bailie a touts iours. Et si soit south vik, constable, ou bailife, a celuy q̃ ad tiel fee pur garder les pzisons, & eit ceo fait sans la volunt son seignioz, ou auter bailife q̃ ne soit de fee, eit ienpzisonm̃t de iij ans, & soit rent a le volunt le roy. Et si vlk deteigñ lez pzisoners repleuisables, puis q̃ le pzisoñ eit offre sufficiant sueerty, il serẽ en le greue mercie le Roy. Et sil pzent lowẽ pur luy deliuerer, il tendza le doubk au pzisoner, & ensemẽt serra

en le greue mercie le Roy. [De Finibus levatis, 27.E.1.cap.13.]

Distres 5. cap. 16.

¶ En droit de ceo q̃ aſcun gents pernont, & prendre fount les auers des auters, & les chaſent hors del Countie ou les auers fuerent priſes: Puruiew eſt, q̃ nul deſormes ne le face, Et ſi vl le face, ſoit greuem̃t rente ſolonq̃ ceo q̃ eſt contenue en les eſtatutes de Marlebr [ca.4.] faits en tẽps le Roy H. pier le roy q̃ ore eſt. Et per m̃ le maner ſoit fait de ceux, q̃ux parnont les auers a tort, & q̃ux fount diſtres en auꝝ fꝛ, plus greuement ſoient punes, ſi le maner de treſpas le demaunde. [Marlebridge 1.cap.15.

Si terr in vn county ſoit tenus de moy en auter countie, ſeignior poit diſtr pur ſeruice. & amein' al moy en auter Countie. 1.H.6.3.

Distres 6. cap. 17.

¶ Puruiew eſt enſement, q̃ ſi vl deſormes preign̄ les auers des auters, & les face chaſ en chaſtell', ou au forcelet, & illonq̃ dedens le cloſe du chaſtie, ou de forcelet les deteign̄ encounter gage & pledge, pur que les auers ſerront ſolempnemẽt dr̃es per viſt, ou pur auter bailife le Roy a la ſuit del pr', le viſt ou le bailife priſe oue luy popar de ſon countie, ou de ſa bailr', & voile aſſater de faire de ce repr' des auers a celuy q̃ les auer̃ priſe, ou ſon ſr̃r, ou as auꝝs des homes ſon ſeignior quicunq̃ q̃ux ſont troues en le lieu, ou les auers fuerent enchaſes. Et ſi home luy deforce adhq̃ de la deliuerance des auers, ou q̃l ne troue home pur le ſr̃ior, ou pur celuy les auer ple q̃ reſpoign̄ & face le deliuer ad̃ apres ceo q̃ le ſeignior, ou paruour, per bi

ou per bailife, serra admonist de faire la delinerance, si soit en pays, ou pres, ou la ou il purra, per le parnoz, ou per auters des fees covenablement estre garnie de faire le delinerance, sil suit hors de cel pays quant le prise fuit fait, & ne face adonqs maintenant les auers deliner, que le Roy pur le trespas et pur le dispite, face abate le chastie ou le forcelet sans recouery, & touts les damz q̃ le pr̃ auer̃ receue de ses auers, ou de son gainage disturbe, ou en auter maner puis le primer demaunde des auers fait per le vic̃, ou per le bailife, luy soient restores au doubie, de seignior ou de celuy q̃ les auers auer prise, sil eit de quoy, & sil neit de quoy, respoign le seignior q̃l heure, & en quel maner deliuer̃ soit fait apres ceo q̃ le vicont ou le bailife serra venue pur la delinerance faire. Et soit ascauoire, que la ou le vic̃ deuer̃ fait̃ retorne del briefe le roy au bailife le seignior du chastie, ou le forcelet, ou a auer̃ a que returne de briefe le roy appent, si le bailife de cel fraunchise ne face le delinerance, puis q̃ le vic̃ auer̃ returñ a luy fait, face le viscont son office sans delay, et sur lauantdit peine. Et per ñ le maner soit fait la delinerance p attachment de pleint fait sans briefe, et sur mesme le peine. Et ceo face a entender per tout la, ou le bre le roy court. Et si ceo soit en la marche de Gales, ou ailors, la ou le briefe le Roy ne court my, le Roy q̃ est souueraign Seignior la, fra droit a ceux queux demandes le bourdront.

Justices in Eire 2. cap. 18.

¶ Pur ceo q̃ la common fine & amercemẽt de tout le Countie en eire des Justices pur faux iudgements, ou pur auter trespas, est asseslle p̃ vis & barretors des counties malemẽt, issint q̃ la summe est meintfoits encrue, & les parcels auterment asseslle que estre ne duissent, au damm̃ des people, & plusors foys sont paies as viconts & barretors, que ne poient les acquitent. Puruiew est, et voit le Roy, que desormes en eyre des Justices deuant eux, deuant lour departure soit tiel summe asseslle per serement de chiualers & des probes homes, sur touts yceux q̃ escorer deuenerunt, et les Justices facent mitter les parcels en lour estreates que ils liuerent al Eschequer, et non pas la summe totall.

Dette al Roy 3. cap. 19.

¶ En droit des vis, ou auts q̃ux respoigt per lour mains al Eschequer, & q̃ux ount rest̃ de les dets le Roy, pier le Roy q̃ ore est, ou les dets le Roy m̃ auant ceux heures, et queux ne ont mp acquit de ceo les dettours al Eschequer: Puruiew est, que le Roy enuoiera bones gentes per touts les coũties, a oier touts iceux, q̃ux de ceo pleine le voudront, & a terminer issint la beloigñ, q̃ ceux q̃ purront mẽer q̃ ils eient issint auãt paies a touts iours [ent] serront quites, le q̃ les vicõts ou auters front mors ou vides, en certain forme q̃ lour serra baill. Et ceux q̃ issint manes fait, filz soient en vies, serront punies greuemẽt. Et s̃ils soient mors, les

heirs

heires respoigñ, & soient charges de la dette. Et commaundé le Roy, q̃ les viconts, & les autres auantdits, deformes totalmẽt acquitent les dettors a pchein accompt, puis q̃ ils aueront le dette resceiue: & dongs soit le det allowe al Eschequer, issint q̃ tãmes ne voigñ en summoñ. Et si le vic̃ auterm̃t face, & de ceo soit attaint, cy rendra al pl̃ le treble du ceo q̃ il auer de luy resceiue, & soit rente a le volunt le Roy. Et bñ se garde chescũ vicont, q̃ il eit tiel resceuor, pur q̃ il voudra respondre, car le Roy se prendra del tout as viscont, & a lour heires. Et si auter q̃ respoigñ p sa main al Eschequer le face, il rendra le treble al plaintife, & soit rent en mesm̃ le mañ. Et q̃ les vic̃ facent tayles a touts ceux, q̃ux paieront le det le Roy. Et que la summons deschequer a touts les debtors, q̃ux demaunder voudront la view, facent monstrer sans denier les a nullu, & ceo sãs rien prendre de lower, & sans rien doñ, & q̃ ne le fra, le Roy se prendra a luy greuement.

Forrests 18. cap. 20.

¶ Purview est ensemẽt de misteafors en parkes, & en viuers, que si vl de ceo soit attaint p le suit del plaintife, soyent agardes bones & haut amends, solongs le maner del trespas, & eit la prisonment de trois ans, & dilongs soit rente a le volunt le roy, sil ad de quoy poit estre rent, & fors troua bon suertie q̃ il iammes ne misface. Et sil neit dont poit estre issint rente, apres la prisonmẽt de trois ans, troua mesme le suertie. Et sil ne

puisse troner la suerty, forfiuē la Realme. Et si vl de ceo rette soit fugitiue, & neit terre ne tenement suffisant pur quoy il pott estre iustifie, ci court come le Roy auera ceo troue p bone enquest, soit demaunde de countie en countie. Et sil ne veigne, soit vtlage. Puruiew est ensement & accorde, que si vll' ne suist deins an & le iour pur le trespas fait, le Roy auera le suit, & ceux que il troua de ceo rettes per bon enquest, serront punies p m le maner en touts points, sicome desuis est dist. Et si vl tiel misfeisor soit attaint, quil eit prise en ses parkes beasts domestices, ou auter chose en la mañ de robbery en venant ou demurrant, ou en returnant, soit fait de luy common ley, q̄ affiert a celuy que est attaint de appt robbery & larceny, auxybien a la suit le Roy come dauter.

Wardes 9. cap. 21.

¶ En droit des terres des heires deins age, queux sont en le garde lour Seignourg: Puruiew est, que les Gardeins les gardent, & sustenent, sans destruction faire en tout rien: et que de tiels manners des Gardes soit fait en touts points solonq ceo q̄ est conteigne en la graund Charter des franchises fait en temps le Roy H. pier le Roy q̄ ore est, [Mag. char. cap. 4. 5. & 6.] Et que illint soit vse desormes, et p mesme le maner soient gardes les Archieuesques, Euesq̄s, Abbies, Esglises, & dignities en temps de vacation. [Vide Articul' super chartas cap. 18.]

Wardes

Wardes 10. cap. 22.

¶ Des heires maries deins age, sans le gré de lour gardeins, auāt q̄ ils auerōt passes lage de xiiij. ans, soit fait solonq̄ ceo q̄ est contenue en le purueiance de Merton cap. 6. Et de ceux q̄ serront maries sans le gré de lour gardeins puis que ils aueront passes lage de xiiij. ans, le gardein eit le double value de son mariage, solonq̄ le tenour de mesme le purueiance. Dusser ceo ceux q̄ux aueront sustret le mariage, rēdant le droit value del mariage al Gardein pur le trespas, & ialemeins le Roy eit les amends solonq̄ mesme le purueiance de celuy que le auer sustret, Westm̄ 2. cap. 35. Et des hēres females, puis q̄ ils auerōt accomplies lage de xiiij. ans, & le seignior a q̄ le mariage appert celes ne poudra marier, mes pur couetise de la terre, les poudra tener disinarie. Puruiew est, que le seignior ne poit auer ne tener p̄ encheson del mariage, les terres a tiels heires females ousq̄ deux ans apres la terme de lauādit xiiij. ans. Et si le seignior deins les deux ans ne les marie, donques eyant eis actions de recouer lour heritage quietement sans rien doñ pur le gard, ou pur la mariage. Et si eis pur malice, ou per maueis counsell ne se voilent pur lour chiefe seigniors marier, ou eis ne sont disparages, q̄ les seigniors teignent la terē & la heritage iesq̄ al age del Enfant male, cestascauoir, xxj. ans, & ousser, iesque ils eiant paiies le value del mariage.

Dette

Dette 1. cap. 23.

¶ Purquew est ensemt, q̃ en citie, burgh, ville, faire, ne en marche, ne soit nul home forrein, q̃ soit de cest roialme, distreine pur dette, dont il nest dettour, ou pledge, e que le fra, serra greuousement punie, e sans delay soit le distresse deliner per les bailifes du lieu, ou p auters bailifes le Roy, si mestier soit.

Assise 2. cap. 24.

¶ Purquiew est ensemt, q̃ nul Escheatour, Visc, nauter baylife le Roy per colour de son office, sans especial garr ou commaudement ou certaine authoritie q̃ appent a son office, ne disseise nul home de son franktenemẽt, ne de chose q̃ appent a son frankt. Et si ascun le fait, soit a la volunt le disseisor, q̃ le Roy de son office le face amender a son pleint, ou q̃ il eit la common ley per bre de Nouel disseisin. Et celuy que serra de ceo attaint, rendr les dam a double a mesme le pr, e serra en le greuous mercie le Roy.

Champertie 1. cap. 25.

¶ Nul minister le Roy, ne maintaine per luy, ne per auter, les plees, parols, ou besoignes q̃ux sont en la court le Roy, des terres, tenements, ou des auters choses, pur auter part de ceo, ou auter pfit per couenant fait. Et que le fra, soit punie a la volunt le Roy. [Vide Champertie 11. E. 1.]

Extortion 1. cap. 26.

¶ Et q̃ nul Visc, nauter minister le roy, ne preigne reward pur faire son office, mes

soient

soient paies de ceo q̃ ils pernont del Roy. Et q̃ le fra, rendra le double al pt, & serra punie a la volunt le Roy.

Extorcion 2. cap. 27.

¶ Et que nul Clerke de iustice, deschetor, ou dendror, nul rien ne preigni pur liuerer chapiks, forpris solemẽt clerkes des Justices errants en lour eyres, et ceo ij. ã & nient plus de chescun swapentake, hundred, ou ville, que respoigne per xij. ou per vj. solonque ceo que auncientment fuit vse. Et que auterment le fra, rendra le treble de ceo quil aura prise, & perdra le seruice son seignior per vn an.

Maintenance 1. cap. 28.

¶ Et q̃ nul Clerke le roy ne des Justices receiue desormes presentment del Esglise, dont plea ou contekes soit en la court le Roy, sans special conge le Roy, & ceo defende le roy sur peine de perdre lesglis & son seruice. Et q̃ nul clerke de Justice, ne de vicont ne mainteine parties en quarels, ne besoignes qui sont en la court le roy, ne fraud ne face pur common droiture delaier ou disturber. Et si bilk le fait, il serk punie per la peine pcheinment auantdit, ou p pluis grieuous, si le trespas le requiert.

Disceit 1. cap. 29.

¶ Dunque il est ensemk, que si vl serieant, counter, ou auter face vl maner de disceit, ou de collusion en la court le roy, ou consent de faire la, en disceit de la court, pur engisk la court, ou la pty, & de ceo soit attaint, lors

[puis] eit la prisonmt dun an & vn iour, & ne soit oye en la court le Roy a counter pur nullay. Et si ceo soit auk q̃ conist, per mesme le maner eit la prison dun an & vn iour a tout le meins. Et si le trespas demande greinder peine, soit a volunt le Roy.

Extortion 3. cap. 30.

¶ Et pur ceo q̃ multz des gents se pleignent des sericeants, criours de fee, et les Marshals des Justices en eyre, & [douters Justices] quelz parnent a toxt deniers de ceux queux recouerent seisin del terre, ou queux gaignont lour quereles, et de sur ieuie, & des iurors, villes, prisoners, & des auters attaches en plees de la Cozone, autrement q̃ faire ne duisent, en multes des maners, & de ceo quil ad plus graund number de ceux que este ne duist, per q̃ le people est malement greue; le Roy defende, que cestes choses ne soient desozmes faitz. Et si bil sericeant de fee le face, office soit prise en le maine le Roy. Et si Marshals des Justices le facent, soient punis greuemẽt a la volunt le Roy. Et a touts les pleintifs lim & lauter rendũ le treble de ceo quils auer prise en cell maner.

Tolle 1. cap. 31.

¶ De ceux q̃ux parnont outragious tolnet, encounter common vsage du royalme en la ville merchandie: Puruieu est, q̃ si bil le face en la ville le Roy mesm, que soit hors a fee farme, le Roy prendra le fraunchise del marche en sa maine. Et si soit auter bil, &

reo soit fait per le seignior de mesm la ville, le Roy le fra per mesm le maner. Et sil soit fait per le bailife sans le commandement le seignior, il rendra al plaintife au taunt pur le outragious prise, come il auoit prise de luy, sil vst importe son loine: & il aurra prison del xl. iours. Des citizens, & des burgesses a q le roy ou son pere ad graunt murage pur lour villes encloser, & que tiel murage parnent auterment q lour est graunte, & de ceo soient attaintes: Puruiew est, que ils pardent cel graunt de touts le tēps que serra a bener, et serront en le greuous mercy le Roy.

Purueyours 3. cap. 22.

¶ De ceux qun parnent vitaill', ou nul rims al oeps le Roy a creance, ou a garrison du chasteil, ou ayllors, & quant ils ont resceine le payment al Exchequer, ou en Gardrobe, ou ayllors, detetignont le payment des creancers, a graund damage de eux, & en esclaunder du Roy: Puruiew est de ceux qui ont terres ou tenements, que maintenant soit ceo leue de lour terres ou de lour chateux, & paies as creancers, oue les damages qui ils aueront esue, & soient rentes pur le trespas, & sils netent terres ne tenements, soient en le prison a la volunt le Roy. De ceux qi pernont part des dets le Roy, ou auters lowers pernent des creansours le roy, pur faire le payment de mesmes celles dets: Purueiew est, quils rendent le double, & soient puniss greuement a la volunt le roy. Et de ceux

queux

queux parnont chiuals, ou charettes a faire le cariage le Roy, pluis q̃ mestier serroit, e pernõt iowers pur [relesser] les chiuals, ou les charettes. Puruiew est, que si vi de la court le face, il serra greuement chastice per les Mareschalles, e si ceo soit fait hors de la court, [p vn del court] ou per auter q̃ de la court, e il [ent] soit attaint il rendra le treble, e serr̃ en le prison le Roy per xl. iours.

Countie & Tourne 3. cap. 33.

¶ Puruiew est, q̃ nul Mair̃ ne suffr̃ barretours, ne maintenours des parols en counties, ne Seneschalles des graundes seignours, ne des auters (q̃ ne soit Attorney son seignior) a [la] suit faire, ne rẽder les iudgements des counties, ne pronõcer les iudgmẽts [ou assent de faire les iusticements] si ne soit especialm̃t prie e requise de touts les suitours e les attournies des suitours, q̃ ils serront a la tourñ. Et si vi le face, le Roy s̃ prendra grieuousem̃t a vie, e a luy.

Newes 1. cap. 34.

¶ Pur ceo q̃ plusors sont souent trouez in counte controuours des countes, des discord, ou maner de discord ad esse souent entre le Roy e son people, ou [ascũs de] les hautes homes de son roialme, defẽdu est pur le damage q̃ ad esse, e q̃ bricore ent purra venier, q̃ deformes nul̃ ne soit cy harde de dire, ne de coũt̃ nul̃s faux nouell̃ ou cõtrouor, dõt discord, ou maner de discord, ou de claundẽ puit surdre entr̃ le roy e son people ou les hautes homes de son roialme. Et q̃

le fra, soit pris, & detenus en prison iesques. & tant que il eit troue en court celuy dont la parolle serra moue. [2.R.2.cap.5.]

Arrest 1. cap.35.

¶ Des hautes homes, & de lour bailliffes, & des auters (forspris les ministers le roy, as queux especial authoritie est done de ceo faire) que a le pleint dez ascũs, ou p lour authoritie demeine, attachent auters oue lour biens trespas passantes p lour poier a respõder deuant eux des contracts, couenãts, ou de trãs faitz hors de lour poier, & lour iurisdiction, la ou ils ne teignont riens de eux, ne deins le franchise ou lour poier est, en fauoice du Roy, & de sa corone, & a dam du people: Purquew est, q̃ nul' desormes ne le face. Et si ascũ le face, il rẽdra a celuy, q̃ p tel enchelon serra attache, son dam au double, & serr̃ en le grieue mercy le Roy.

Reasonable Aide 1. cap.36.

¶ Pur ceo que auant ceux heures ne fuit nãqs reasonable aide a faire leigne fitz chiualr', ne a leigñ file marier mis en certeiñ, ne quant ceo deueroit estre prise, ne q̃l heure, p quoy les vns leuerẽt outragio' aide, & plus tost q̃ ne sembleit mestier, dont la people se sentit grẽue: Purquew est, q̃ desormes de le de chiualr' entier soleñt soint dones xx.s̃. & de xx.li. de terre tenus p socage xx.s̃. & de plus, plus, & de meins, meins, solõqz lasseant. Et q̃ nul ne puisse leuer tiel aide a faire sa fitz chualier, tanqz q̃ son fitz soit del age de xv. ans, ne a sa file marier tãqz que el soit

del age de viij. ans. Et de ceo serra fait mention en le brieve le roy sourm sur ceo quant home le voile demander. Et si aueign que le pier, quant il auera tiel aide leue de les tenants mortuus auant q̃l eit sa file marie, les executors le pier soiet tenus a la file, en tant come le pier auera resceu pur cest aide. Et si les biens le pier ne sufficent, son heir soit de ceo tenus a le file. [Glanuile fol. 71.]

Assise 3. cap. 37.

¶ Puruiew est e accorde enseint, q̃ si hom soit attaint de disseisin, fait en tẽps le Roy q̃ ore est, ouesq robbery, de aucun maner de chattel, ou de moueabl', e soit troue vers luy per recognisans de Assise de Nouel disseisin. le iudgement soit tiel, que le pl' recouera la seisin e les damz, auxybien de chattel e de moueabl' auantdits, com del soile. Et le disseisour soit rente, le quel que il soit present ou non, issint q̃ [sil soit present] primes soit agarde a la prison. Et per mesme le mann soit fait de disseisin fait a force e armes, tout ne face home robberie.

Attaint 1. cap. 38.

¶ Pur ceo que aucuns gentes de la terre doutent meins faux serement fait, que faux ne duissent, per que mults des gentes sont disherites, e perdent lour droit: Puruiew est, que le Roy, de son office, deslormes donera Attaints sur les enquestes en plees de terre, ou de franktenement, ou de chose que touche franktenement, quant il semble que besoign soit.

Fitzh. Nat. bre. 105. i.

Lim-

Limitation 2. cap. 39.

¶ Et pur ceo que le temps est mult passe puis que les brieues desouth nosmes fuerēt auterfoits limittes: Puruiew est, que en count countant de discent en brē de Droit, nul ne soit ci ose de counter de la seisin son aunt de plus longe seisin q̄ de tēps le Roy R. uncle le roy Henry, pier le Roy q̄ ore est. Et q̄ le brē de Nouel disseisin, & de purparty, q̄ est appeilt Nuper obijt, eyent le terme puis le primer passage le Roy Henry, pier le Roy q̄ ore est en Gascoigne, mes nemy auant. Et les brēs de Mortdaunt, de Cosinage, de Ayel, de Entre, & brē de Meistrie, eiant le terme del coronement mesm le Roy Henry, & nemy auāt. Mes q̄ touts lez brēs ore a p mesm purchases, ou a purchaser, entour cy & [la feast] S. John en vn an, soient pledes de tēps q̄ auant solent estr̄ pleades.

Voucher 2. cap. 40.

¶ Pur ceo que mults des gents sont delayes de lour droit, p fauxm̄t boucher a garrantie: Puruiew est, q̄ en brēs de posl, tout adeptines come en brē de Mortdaūt, Cosinage, del Ayel, Nuper obijt, de Intrusion, & auts brieues semblables, p les q̄ux terres ou tenemēts sont demaūdes, q̄ux deuoiēt discender, reuerter, remainder, ou eschier per mortdaunt, ou dauter, q̄ si le tenant bouche a garrant, & le demādant luy counterpleū, & veile auerrer per assise, ou per pays, ou en auter maner, sicome le court le roy agarde, q̄ le tenant ou son aunt q̄ heire il est, fait le

primer que entra apres la mort celuy de qui
seisin il demaunde, soit le auerrement del de-
maundant rescene, si le tenāt le voile attend,
& sinon, soit bote ouster a auter respons si
neit son garrantour en present, q luy bo
garranter de son gré, & maintenant entre
en respōs, saluz al demaūdāt sez exceptions
encounter luy, si il voile voucher ouster, com
il auoit auant, encounter le primer tenant.
De recheste en toutz maūs des bres Den-
tre, q̄ux font mēcion des degrees: Puruis
[est] q̄ nul desormes vouche hors de la lin.
Et en auters bres Dentre, ou nul menc
est fait de degrees, les q̄ux briefes ne
sustenuts, forq̄ la ou les auantdits bres
degrees ne poient giser ne lieu tener. Et
hre de Drt purnieū est, q̄ si le tenāt
che a garrātie, & le dūāt le voile coūterp
& soit prist de auerrer p pays, que celuy q
vouche a garrant, [ne nul] de ses aūcest
ne vnques auoient seisin de la terre, ou
tesi demaunde, ne fee, ne seruice per la ma
le tenant, ou [ascun] de ses auncesters, p
le tēps celuy de q̄ seisin le demaūdāt co
tesques al temps q̄ le briefe fuit purchas
plee moue, per q̄ il poit le tenant ou ses a
cesters aū feoffe: Adonq̄s soit lauerre
del dūant rescene, si le tenant le voil at
der, & sinon, soit le tenant bote ouster a
respons, si nait son garrantor & present,
luy voile garranter de son gré, & ma
nant enter en respons, saluz al demāda
except encounter luy, sicome il auoit a
encou

encounter le primer tenant. Et lauantdit exception eit lieu en bre de Mortdauncestr, e en les auters bres deuant nosmes, auxpien cõe en brieſes q̃ux touchent droit. Et ſi le tenant per cas eit charter de garrantie de auter home [de ceo chose] q̃ ſoit oblige en mil dez auãtdits caſes a le garrantie de ſon eign degree, ſalue luy ſoit ſon recouer per brieſe de Garr de charter de le Chauncelr le roy, quant il le voudra purchaſer, mes q̃ le plee ne ſoit pur ceo delay.

Battaile and Graund Aſſiſe 1. cap. 41.

¶ De ſerements des Champions, eſt iſſint parnieew: Pur ceo q̃ rarement auient q̃ le champion le demandant ne ſoit periure en ceo quil iure, que il ou ſon pier deiſt la ſeiſin ſon ſeignour, ou de ſon auncestour, e q̃ ſon pier luy commaſide a faire la darreign, que deſormes ne ſoit le Champion le demaſidãt conſtreint a ceo iurer, mes ſoit le ſerement garde en touts ſes auters points.

Eſſoine 3. cap. 42.

¶ Pur ceo q̃ en brieſe Daſſiſe, dattaints, e de Iuris vtrum, les Jurors ſont ſouẽt tranſ per eſſoines des tenãts: Purueew eſt, que del heure q̃ le tenant vn ſoites apparuit en court, iammes ne puiſſe [le tenant] ſe eſſoine, mes faire ſon Attourney a ſuer pur luy, ſil voile. Et ſi non, ſoit iaſſiſe, ou le Jure puiſe p ſon defaute. [W. 2. cap. 28.]

Eſſoine 4. cap. 43.

¶ Pur ceo q̃ les demaſidants ſont ſouent pas de tout droit, pur ceo q̃ ou ſont plu-

sers parceners tenãtes, dont nul puit respoigñ sans auk, ou qi ad plusours tenants ioinctment feoffes, ou nul ne sciet sõ seuerall, & ceux tenants souẽt forchiẽt p essoiñ, issint q̃ chescun eit vn essoine. Puruieu est deformes, que ceux tenants neiẽt essoiñ, forsque a vn iour, nient pluis que vn sole tenãt nauroit, issint q̃ iammes ne puissent forcher, forsq̃ tantsolement auer vn essoine.

Essoine. 5. cap. 44.

¶ Pur ceo que multes des gentes se font fauxm̃t essoine de outre mere, ia ou ils fuerent en Engleterre le iour de le summons: Puruieu est deformes, q̃ cel essoiñ ne soit pas de tout alloew, si le demaundant le challenge, & soit prist dauerrer quil fuit en Engleterre le iour q̃ le sũmons fuist fait, & il semaignes apres: mes soit atourñ en cel forme, q̃ si le demaũd̃ sue a tiel iour auerãt p pais, ou sicome la court le roy agardẽ & lo attaint q̃ le tenãt fuist dens le quak mere [Dengleк] le iour que il fuit somõ, & trois semaynes aps, issint q̃ il puit estre reasonablemẽt garny de [la] sũmõs, soit le essoiñ turne en vn default, & ceo fait a entẽd̃ tantsolemẽt deuaũt les Justices le roy.

Estreites. 1. cap. 45.

De delaies en touts maners des brieds, & des attachments est puruieu, q̃ si le tenãt ou le defendant, apres le prim̃ attachement testmoigñ, face default, mainteñ soit le grand distr̃ agard̃. Et si bilk̃ ne respoigñ sufficiemment au iour, soit grenousment amercy. E si

si maunde q̃ il ad fait lexecution en due maner, & les issues bailes as mainpnors, adonques soit maunde au vir̃, que il al aur̃ iour face venir les issues devãt Justices. Et si lattachée veigñ a r̃ iour a sauer sez defaults, eit il ses issues. Et si ne veigñ, eit le roy les issues. Et les Justices le roy les facent liuerer a la Gardrobe, & Justices del banke a westm̃ ies facent liuerer al Exchequer, & Justices en eyre, au vir̃ de celr̃ countie ou ils piedent, auxybñ de cel countie, come des soyreine counties, & de ceo soient charges en summons per rolles de Justices.

Iustices of both Benches 1. cap. 46.

¶ Puruiew est ensement, & per le Roy commaunde, que ies Justices de banke le Roy, & [Justices de bank a] westminster desormes y piedant les plées a terminer vn iour, auant que rien soit arraine, ou commence des plées del iour ensuant, forlpris q̃ iour essoignes soient entres, iudges, & rendus, & per encheson de ceo nul home se affie, que il ne veigne au iour q̃ doñ luy est.

Age 1. cap. 47.

¶ Puruiew est ensement, que si vl desormes purchase bre de Nouel disseisin, & celuy sur que le bre vient, come principal disseisor mourge auant q̃ lassise soit passe, que le pl̃r eit son brieke Dentre foundus sur disseisin, sur le heire, ou sur [les heires] les disseisors, de q̃ age que ils soient. En m̃ le maṅ eit le hetr̃, ou les heires le disseisés iour bres Dentre sur ies disseisors [iour] auncestr̃, ou

Vieux Na. B. 106. a.

tour heires, de q̃l age q̃ ils soiẽt. Et si parauenture le disseisee mourge auant que il eyt son purchase fait, issint que pur les nonages des heires dun part ne dauter ne soit le bre abatus, ne le plee delaye, mes en quant que thom̃ poit sans ley offend̃, soit haste pur le fresh suit aps le disseisin. Et en m̃ le maner soit en ceo point gard̃ en dr̃t de plates, gentz de Religion, & auters, as q̃ux terres & tenemẽts en nul maner pusset deuener aps aut mort, le q̃l que ils soient disseisees, ou disseisours. Et si les parties en piedant discendont en enquest, & lenquest passa encounter le heir deins age, & nosmemẽt encounter le heire le disseisee, que il en ceo case eit lattaint de la grace le Roy sans rien doner.

Prochein amy 1. cap. 48.

Vieux Na. B. 106. a.

¶ Si gardein du chiefe seignior enfeoffe vn hom̃ de la terre q̃ est del heritage del enfant (que est deins age & en sa garde) a le disheritance del heir: Puruiew est, que le heire eyt maintenant son recouerie p̃ bre de Nouel disseisin vers son gardein, & ors le tenant. Et soit la seisin bailt per Justices (si ei soit recouer) al prochein amy lenfant, a q̃ le heritage ne purra my discend̃, pur approuer al oeps lenfant, & a respõder des issues al heir quãt il viẽdr̃ a son pleine age. Et le gardein parde a tout sa vie la gard̃ de m̃ le chose recouer, & tout la rem̃ del heritage, q̃l tient en nosme del heire. Et si aut gardein q̃ chiefe seignour le face, parde le garde de tout cel chose [a cel foitz] & soit en griefe peine enus le

le roy. Et si lenfant soit esloigne, ou disturbe per le gardeine, ou per le feoffee, ou p auter, per q̃ il ne puisse sa Assise suer, sue pur luy vn de ses pcheine amies que voudra, & soit a ceo resceue. [W. 2. cap. 15.]

Dower 2. cap. 49.

¶ En briefe de Dower dont Dame ryens nad, ne soit le briefe abatus p exception del tenant, pur ceo q̃ el auera resceue sa dower de auter home auant sa bre purchase, si ne puit monstre q̃ el eit resceue part de sa dower de luy meisme, et en meisme la ville auant son briefe purchase.

Prærogatiua Regis 1. cap. 50.

¶ Et pur ceo q̃ le Roy ad fait cel chose al honour de Dieu, & saint Esglise, & pur le cõmon pfit de people, et pur le allegeance de ceux q̃ux sont greues, il ne voit mp q̃ auterfoits puissent turner a pudice de luy, ne de sa corone: Mes q̃ les droits, q̃ a luy appertign luy soient saues en touts points.

Assise 4. cap. 51.

¶ Et pur ceo q̃ graund charitie serra de faire droit a touts en tout temps, ou mestier serroit: Puruiew est p assentmẽt des Prelates, q̃ Assises de Nouel disseisin, Mortdauncester, & de Darrein presentmẽt fuissent prises en le Aduent, en Septuagesime, & en Quaresme, auxybien come [le home] prent lenquestes, et ceo pria le Roy as Euesques.

Explicit Statut de Westm primer.

Stat de

¶ Stat̃ de Bigamis, editum
Anno 4. Edw. primi.

IN pręsentia venerabilium pr̃m quorundam Episcoporum Angliæ, & aliorum de consilio Regis, recitatæ fuerunt constitutiones subscriptę, & postmodum coram domino Rege & Consilio suo auditę & publicatæ, quia omnes de consilio, tam Iustic', quam alij concordauerunt, quod in scripturam redigerentur ad perpetuam memoriam, & quod firmitèr obseruentur.

Ayde de Roy 1. cap. 1.

¶ De placitis vbi tenens excipit, quod sine Rege respondere non possit: Concordatum est per Iusticiar̃, & alios sapientes de consilio Regni dn̄i Regis, qui consuetudines & vsum Iudiciorum hactenus habuerunt, quod vbi feoffamentũ factum fuerit per Regem, & charta super hoc inconfecta tm̃ se habeat, quod si alia persona per consimile feoffamentum & consimilem chartam teneretur̃ ad warrant, Iusticiar̃ vlterius procedere non potuerunt, nec hucusque processerunt, nisi super hoc preceptum à Rege habuerint, nec videre possunt quod procedere possint.

Ayde de Roy 2. cap. 2.

¶ In certis autem casibus, vtpote vbi Rex confirmauerit, vel ratificauerit factum alicuius in rem alienam, vel rem aliquem alicui concesserit, quantũ in ipso est, vel vbi charta profertur, quod Rex tenem̃t aliq̃ reddiderit,

nec

nec clausula aliqua in ea contineatur, p quam warrantizare debeat, & in consimilibus casibus, non erit supersedend' occasione confirmationis, ratificationis, cōcessionis, seu redditionis, aut aliorū consimiliū, quin postquā hoc regi fuerit ostens. sine dilatione procedatur.

Ayde de Roy 3. cap. 3.

De dotibus mulierum vbi aliqui custodes hęreditatum maritorum suorū custodias habent ex dono vel concessione regis, siue custodes rem petitam teneant, siue heredes dictorum teuentorū vocentur ad warrant, si excipiant, quod sine Rege respondere non possint, non ideo supersedeatur, quin loq̄la prædicta prout iustum fuerit procedatur.

Purpresture 1. cap. 4.

De purpresturis, seu occupationibus quibuscunque factis super Regem, siue in libertatibus, siue alibi: Concordatum est quod tempore Regis H. diffinit erat & concordat, quod vbi occupatores superstites fuerint, Rex de plano resumat [sibi] rem taliter occupatam de manibus occupantium, quod etiam de cetero in regno obseruetur. Et si aliquis de huiusmodi resumptionib' conqueratur, put iustum fuerit, audiatur.

Clergie 2. cap. 5.

De Bigamis quos dominus Papa in consilio suo Lugdunensi omni priuilegio clericali priuauit, per constitutionē inde ęditam, & vnde quidā Prelati illos qui effecti fuerant

Biga-

Bigami ante p̄dictam constitutionē, quando de felonia rectati fuerunt, tanquam clericos exigerunt sibi deliberandos: Concordatū est & declaratū coram Rege & consilio suo, qd' constitutio illa intelligenda sit, qd' siue effecti fuerint Bigami [ante] prędictā constitutionem, siue post, de cętero non liberentur prælatis, immo fiat eis justicia sicut de laicis.

Voucher 3. cap. 6.

In chartis autem vbi continentur (Dedi & concessi tale tenementū sine homagio, vel sine clausula que continet warrantiam, & tenend' de donatorib' & hęred' suis p certum seruitiū) Concordatū est p eosdē Iusticiar', quod donatores & hæredes sui teneantur ad warrantiam. Vbi autem continetur (Dedi & concessi &c.) tenendū de capitalibus dominis feodi, aut de alijs quam de feoffatoribus, vel hęredib' suis, nullo seruitio sibi retento, sine homagio, vel sine dicta clausula [warrantiæ,] hęredes sui non teneantur ad warrātiam. Ipse tamen feoffator in vita sua ratione doni ꝓprij tenet warrantizare. Prędictę autem constitutiones ęditæ fuerunt apud Westmonasterium in parliamento post festum sancti Michaelis, Anno regni Regis E. filij Regis H. quarto, & extunc locum habeant.

Fitzh. Natibre. 134. h. et Perk. 124.

Explicit Stat de Bigamis.

Sta-

¶ Statut Gloucestr, edit
Anno 6. Edw. primi.

L An du grace M. CC. lxvij. et del raigne le Roy Ed. fitz le Roy Henry, vj. a Gloucestr le moys Daugust, puruiew ante mesme le Roy, pur amendement de son Roialme, et pur pluis pleiner exhibition de droit, sicome le prosit doffice demaunde, appelles les pluis discretes de son Roialme, auxybien des greinders come des meinders. Establie est & concordantment ordeine, que come mesm le Roialme en plusours diuers cases, auxybien des franchises come dauters choses, en les qls ley auant failit, et a eschuer les tresgreues damages, & les nient numerables disherisons, les quels icel maner defaut de ley fust a la gent du Roialme, eit mestier de diuers supplections de ley, et de nouels puruiances: Les estatutes, ordeinments, & puruiances suis escriptes de tout la gent de la Roialme deformes soient firmemet gardes, come Prelates, Countes, Barons, & auters del Roialme claimet dauer dius franchises, et les qls examin & iudget, le Roy a mesmes les Prelates, Countes, Barons, et auters, auoit done iour. Puruiew est, et concordantmt graunte, q lez auatdits Prelates, Countes, Barons, & auts, cel maner de franchise dsent, issint q rien ne lour accrescer per dsurpation, ou occupation, ne rien sur le Roy occupiet, ielz al prchein venue le

Roy

Roy per le countie, ou a la procheyne venue des Justices errants, as common plées en mesme le countie, ou iesq̃s le roy cõmaunde auter chose: saue le droit le Roy come il en voudra parler, solonqz ceo q̃ il eit contenue en le brẽe le roy. Et de ceo soient maundes briefes as viscounts, bailifes, et auters pur chescun dõant. Et soit la forme del briefe change, solonqz la diuersitie des franchises, les queis chescun claime dauer. Et les viscounts per touts lour bailliés ferront communement cryer, cestasauoir, en cities, burghes, & villes merchandes, & aylors, q̃ touts ceux q̃ ascũs fraunchises claimẽt aũ per les charters les p̃decessors le roy, royes Dengleterre, ou en auter maner, soient deuant le roy, ou deuãt Justices en eyre a certaine iour & lieu, a monstrer q̃l manner de fraunchises ils claiment dauer, & y q̃l garrant. Et les viscounts mesmes donq̃s ferront illonqz personalm̃t, ou lour bailifes et ministers a certifier le roy sur les auantdits fraunchises, & auters choses q̃ celles fraunchises touchent. Et cest crie destr̃ deuant le roy conteigne garnisemẽt de iij. semaignes. Et en mesm̃ le maner ferront les viscounts crier en oyer de Justices. Et en mesme le maner ferront ils personalm̃t, ou lour bayilifes, & lour ministers, a certifier les Justiz̃ de tiel maner de fraũchise, & des auts choses q̃ celles fraũchises touchent. Et cest crie conteigne garnisemẽt de quarante iours, si come le common summons contient; illint q̃

si la

si la party q̃ claime auer fraunchises, soit
deuant le Roy, ne soit pas mis en defaut de-
nãt les Justices en Eyre, pur ces q̃ le Roy
de sa grace especial ad graunt q̃ il gardera
la party de damage, quant a cel atournemẽt.
Et si cel party soit empleď sur tiels maners
de fraunchises deuant vn paier de Justices
auantdits, mesmes les Justices deuant les
q̃ux la party est en plee, garderent le party
de damage deuant auters Justices, & deuãt
le Roy luy mesme, mesqz il sache p les Ju-
stices, q̃ le pty fuit en plee deuant eux, sicom
il est auantdit. Et si ceux q̃ tiels fraũchises
claiment auer, ne veignẽt pas al iour auãt-
dit, donq̃z soient les fraũchises en nosme de
distresse prise en la maine le Roy p le viscõt
del lieu, issint q̃ls tiel maner de fraunchises
ne vsent, tesqz ils veignẽ a receiuer dꝛoit. Et
quant ils veignẽt p cel distresse, lour fraun-
chises eux soiẽt replenies sils lez demaũde,
les q̃ls replenies respoignẽt maintenãt en
la forme auantdit. Et paradauẽtur lez pties
exceptẽt, q̃ls ne debuẽt niẽt de ceo respõdẽ
sans bre oꝛiginal, dõq̃z sil puisse estre sure q̃
eux de lour ꝓper fait, eient vsurpe ou occupy
aucũs fraunchises sur le roy, ou sur ses p̃de-
cessoꝛs, dit lour soit q̃ maintenãt respoignẽt
sans bre, & puis resceiuent iudgemẽt, sicõe le
court le roy agardera. Et silz diont ouster, q̃
lour auncester, ou lour aũcesters de mesmes
les fraũchises moꝛront seisies, soient oyes,
& maintenant soit le vtie enq̃se, & solõqz ceo
aillent lez auant en le besoigne. Et sil soit

troue

Et si soit trouue q̃ iour auncester ent mozuil seisie: donq̃s eyt le Roy bre oziginal de sa Chauncery en forme fait de ceo. Le Roy maunde salute au viscounts, summones per bone summonoz vn tiel, que il soit deuant nous a tiel lieu en nostre pcheine venue en cel countie, ou deuant nous Justices a prisner Assises, come ils en celles pties viendzont, a mõstrer per q̃l graunt il claime daner quitãce de tozñ pur soy ou pur ses hões p tout nostr̃ roialme p continuation aps la mozt tiel iadis son predecessoz. Et aits les summonoz & ceo bre. Et si les pties veignõt al iour respoignẽt, & soit replie & iudge. Et sils ne veignent ne soy esloinẽt deuãt le roy, & si le Roy demurra ouster en cel countie, soit cõmande au viscõt q̃ il le face venir al quart iour. A q̃l iour sils ne veignẽt, & le roy demurr̃ ouster en cel countie, soit fait sicome en eyre de Justices. Et si le roy depart del countie, soiẽt lez parties aiozues a brefe iour, & eyent reasonables delayes, iuxte les discretions des Justices, sicome en actions personal. Et lez Justicez en eire facẽt de ceo, en iour oyers solonqz lozdeinment auãtdit, & solonqz ceo q̃ tiel mañ de plers deuient estre deduit. En oier de plaints faits & affaires des bailifes le roy, & dauts bailifes, soit fait solonqz lozdeinmẽt auãt fait de ceo, & solonqz lez enq̃sts de ceo auãt prises, & de ceo serr̃ lez Justices en eyre solonqz ceo q̃ le roy lour ad enioint, & solõqz les articles q̃ le roy lour ad liuere. [Vide tout ceo en latin pl' plaine

30. E.

30. E. 1. le statute de Quo warranto tit Fraunchises 5.

Damages 1. cap. 1.

¶ Come auant ces heures damages ne fueront agardes en Assise de nouel disseisin lorsq̃ tantsolement vs les disseisors: Purueew est, que si lez disseisors aiiont les tenements, & neient dont les damages puissent estre leuies, que ceux a que maines ceux tenements deuiendront, soient charges des damages, issint q̃ cheschun respoigñ de son temps. Puruiew est ensement, q̃ le disseisee recouer damages en bre Dentre foundue sur disseisin, vers celuy que est troue tenant apres le disseisor. Puruiew est ensemt, que la ou auant ces heures damages ne fueront agardes en plee de Mortdauncestor, forsq̃ en case ou tenemts fuerõt recoueres deuers chieses seigniors [ceo fuist p statut Marlb. cap. 16.] que desormes damages soiẽt agardes en touts cases, ou home recouer per assise de Mortdauncestor, sicome est auantdit en Assise de Nouel disseisin. Et en mesm le maner ret home damage en vrieke de Cosinage, Ayel, & Besayel. Et la ou auant ces heures damages ne fueront taxes, forsque a le value des issues de la terre: Puruiew est, q̃ le vdant puit recouer vers le tenant les costages de son bre purchase, ensemblement mesq̃ les damages auantdits. Et tout ceo soit tenus en touts cases, ou home recouer damages. Et soit desormes cheschun tenus a render damages, la ou home recouer vers

42. E. 3. 7. Entre sur diss. 30.

L heire le disseisee ne recouera dams vers celuy q̃ est troue tenant, mes solement le disseisee mesme.

luy de sa intrusion demesne, ou de son fait demesne.

Age 2. cap. 2.

¶ Si Enfant deins age soit tenus hors de son heritage apres la mort son pier, cosin, ayel, ou besayel, per que il conient q̃ il purchase briefe, & son aduersary veigñ en court, & en respoignant alleage feoffemẽt, ou autre chose dit, per q̃ Justices agardent lenquest, la ou lenquest fait delaye, tesq̃ al age lenfant, cy passa ore lenquest auxy come il fuit de pleine age.

Warrantie 1. cap. 3.

Litt. fol. 163. 32. ¶ Establie est ensemẽt, que si home aiyen tenement, que il tient per le ley Dengleterr̃, son fitz ne soit pas forbarre per le fait son pier (de que nul heritage luy discendõ) a demaunder & recouerer per br̃e de Mortdauncester de la seisin sa mier, tout face le charter son pier mencion que luy & ses heyres sont tenus a la garr̃. Et si heritage luy discendõ de part son pier, dõq̃s soit il forclose de le value del heritage, q̃ luy est discẽdus. Et si en tiel cas apres la mort sõ pier, heritage luy soit discendus per mesme le pier, donq̃s auera le tenãt vers luy recouery de la seisin sa mier, per briefe de iudgemẽt q̃ tiellera hors de rolles des Justices, deuant q̃ux le plaint fuit pleade, a resom̃ son garrantie, sicome auant ad estre fait en aut̃s cases, ou le garrantie vient en court, & dit que riens ne luy est discendõ de luy per q̃ fait il est vouche. Et en mesme le maner eyt lissue le fitz recouro

per

per briefe de Cosinage, Ayel, & Besail. Ensement & en mesme le maner ne soit heire la feme apres la mort le pier & la mier, barr̄ daction a demaundr̄ le heritage sa mier per briefe Dentre, q̄ son pier en temps sa mier aliena, dont nul fine nest leuie en court le roy.

Litt. Garr' sect. 37. 38. 39. & 40. lou il argue sur parols destatute.

Cessauit 1. cap. 4.

¶ Ensement si home lessa sa terre a ferme, ou a trouer estouers en viuer, ou en vesture que amount a la quart part de la veray value de la terre, & celuy que la terr̄ tient issint charge la lesset giser fresche, issint que home ne puit trouer distresse per deux ans, ou per trois, a faire le ferme render, ou a faire ceo q̄ est contenue en lescript ou leas: Establie est, que aps les deux ans passes eit le lessor action a demaunder la terr̄ en demeign̄ per briefe q̄ il auera en le chauncery. Et si celuy vers q̄ la terre est demaunde, veigne auant iudgem̄t, & rend̄ les arrerages & les dam̄s, & troua suertie tiel cōe la court verra q̄ soit suffisant a rend̄ enapres [solonqs] ceo q̄ est cōtenue en lescript du leas, ci reteign̄ la t̄re. Et sil demurr̄ tanqs ele soit recouer p iudgment, soit il forclose a remnant. [W. ij cap. 21. et cap. 41.

Wast 2. cap. 5.

¶ Ensemēt est puruiew, que home eit deformes bār̄ de wast en le chaūcery vs hōe q̄ tient p le ley Dengleterre, ou en auter maner a terme de vie, ou dez ans, ou feme q̄ tiēt in dower. Et celuy q̄ serr̄ attaint de wast,

perde le chose q̃ il auer̃ wast: Et ouster ces face grẽ del treble de ceo q̃ le wast serr̃ tax. Et en wast fait en gard, soit fait solonqꝫ ceo q̃ contenu est en le graund Charter cap. 4. Et par la ou il est contenu en la graund chartr̃, que celuy q̃ auer̃ fait wast en gard, perdr̃ le gard: Accord est, q̃ il rendra al heir̃ les dam̃s del wast, si issint soit que la gard pdue ne suffist mie a le value des dam̃s, auant lage del heire de mesm̃ le gard [W. 1. cap. 21. Articuli sup chartas cap. 18.]

Ve. Na. bre. 88. b.

Mortdauncester 2. cap. 6.

¶ Puruiew est ensem̃t, q̃ si home mourge, & eit plusours heires, dont lun est fitz ou fit, frere ou soer, nephew ou niece, & les auters sont en plus longe degree, touts les heires desormes eyent recouerie per br̃e de Mortdauncester.

Entre 1. cap. 7.

¶ Ensement si feme vende, ou done en fé, ou a term̃ de vie, tenem̃t q̃ el tiẽt en dower: Establie est, que le heire, ou auter, a que la terr̃ deueroit reuerter aps le decease la fem̃, eit maintenant son recouerie per br̃e Dentre, fait de ceo en la Chauncerie.

Trespas 1. cap. 8.

¶ Puruiew est ensem̃t, que les bisconts pleõ en counties les plées de trespas, auy cõe ils soilent estre piedes. Et q̃ nul meit desormes br̃es de trespas deuant Justices, si ne affirme p soy, q̃ les byens emportes valent xl. s. al meins. Et sil se pleint de bater, affirme per soy que sa pleint est veritable.

Des

Des plaies, & des maihemes, eit home bre
sicome home soleit auer. Et graunt est, q̃ les
defend̃ puissent faire attornies en tielz plees,
ou appelt ne gist mie, issint q̃ sils soient at-
taintes [du trespas] en lour absence, soit
maund̃ al visc̃, q̃ ils soient prises, & eient a-
donq̃z la peine, q̃ ils aueront, sils vsent estre
plaintes quãt le iudgem̃t fuit rendus. Et si
lez pleintifes desormes en tiel trãs se facent
essoine aps la prim̃ apparans, soit lour done
iesq̃s a la venue des Justices errants, & les
def. en dementires soient en peace en tielz
plees, & en auks plees, ou attachm̃ts, & dist̃
gisent. Si le defend̃ se face essoine del ser-
uice le roy, & ne porz son garrant au iour q̃
done luy est p son essoine: establie est que il
rendza al pl' les dam̃s de la tourne de xx. s.
ou de plus, solõqz le discretion des Justices,
& iademains soit en le greue mercie le roy.

Pardon 1. cap. 9.

Puruiew est ensement, que nul bre ne
isset̃ desormes de le Chauncery pur mort
de home, dencrer si home occist auter p mis-
aduentur̃, ou soy defend̃, ou en aut̃ mañ pur
felony, mes celuy soit en prison, iesqz al ve-
nue dez Justices errants, ou assigñ a gaole
delinerie, & se mist en pais deuant eux de bñ
& male. Et si soit troue p pais q̃ il le fist soy
defend̃, ou p misaduẽtur̃, dõq̃s fra les Ju-
stices assauoier au roy, & le roy luy en fra sa
grace, si luy pleist. [W. 1. ca. 11.] Puruiew
est ensem̃t, q̃ nul appelt soit abatue ci legier-
ment come auant ad este, mes si lappellour

counte le fait, lan, le iour, le heure, le tẽps le roy, & la vill' ou le faut fuist fait, & de q̃l arme il fuit occise, se estoia iappell', & iãmes ne soit iappell' abatus p defaut de fresh suit puis q̃ hõe sue dedeins lan & le iour apres le fait.

Essoine 6. cap. 10.

¶ Come il soit contenue en lestatute le roy q̃ ore est [W. 1 ca. 42.] que deux parceners, ou deux queux teigne en cõmon, ne puissent fourcher per essoine, del heure q̃ ils ount vn foits apparus en courte: Puruiew est, que mesm̃ ceo soit tenus & garde, par la ou home & sa feme soit empledes en la court le roy.

Disceipt 2. cap. 11.

¶ Puruiew est ensement, q̃ si home bailla en la citie de Loundres son tenem̃t a terme des ans, & celuy a que le franktenement est, se face emplede per collusion, & face def. aps defaut, ou veigne en court, & la voile rẽd pur faire le termour perdre son terme, et le dõant eit querele, issint q̃ le termour puisse auer recouerie p bre de couenant, le Maire et les Bailifes puissent enquirer per bone visn̄ en la presẽce del termour, & del demandant, le q̃l le demandant mouest son plee per bon droit q̃l auoit, ou p collusion & p fraude pur faire le termour perdre son terme. Et si troue soit per enquest, q̃ le demandant mouest son plee per bone droit quil auoit, ci soit le iudgement performe maintenant. Et si troue soit p enq̃st, q̃ il luy empleda p fraud pur toller le termour son terme, ci demurge le termor en sõ terme, & lexecut̃ del iudgẽt

pur

qur le demaundant soit suspendus, iesques apres le terme passe. Et en mesme le maner soit fait de equitie en tiel case deuant Justices, si le termour le challenge deuant iudgement rendus.

Voucher 4. cap. 12.

¶ Puruiew est ensement, que si home soit emplede de tenement en m̃ la citie, & vouche forein̄ a garrantie, q̃l veign̄ en la chauncery & eit brieke de som̃ son garrantie a cert̃ iour deuant Justices du bank, & vn auter bre au Maire & as Bailifes, q̃ ils surcessent en le paroil q̃ est deuant eux per brieke, iesques a taunt que le paroil de le garrantie serra termine deuant Justices du bank. Et quãt le parol de la garrantie serra termine deuant Justices du bank, donq̃s serra dit au garr̃ q̃ il veign̄ en la citie de Lond̄ a respoign̄ de chieke plee. Et le dv̄ant per sa suit eit bre de Justices de bank au Maire & as bailifes, q̃ ils voilent auãt en le plee. Et si le dv̄ant recom̄ vers le tenant, veign̄ le tenãt as Justices de bank, & eit bre au Maire & as bailifs, q̃ si le tenãt eit la terr̃ perd', q̃ ils facent extende la tre, & retorn̄ le extent en bank a cert̃ iour, & ap̄s soit maund̄ au visr̃ du pais ou le garrãty fuist som̃, q̃ il luy face auer de la tre le garrant̃ a le value. [Vide Articul' Gloucc. correct' Anno 9. Edwardi 2.]

Fitzh. Nat. bre. fol. 6. e.

Estrepement 1. cap. 13.

¶ Puruiew est ensemẽt, que del heure que plee serra mone en la citie de Londres per bre, q̃ le tenant neit power de faire wast, ne

estrepement du tenemẽt q̃ est en dõe, pẽdant le plee. Et sil face, le Maiẽ & les Bailifs facent gardẽ a le suit de le dũant. Et m̃ lordze & statute soit garde en auters Cities, Boroughes, & aylors per tout le roialme.

Damages 2. cap. 14.

¶ Le Roy graunt de sa grace as Citizẽs de Lõdres, q̃ la ou auant ces heures ceux q̃ux fueront disseisies de lour franktenemẽt en m̃ la citie, ne poient recouẽ lour dam̃ auãt le venue des Justices a la Tower: Mais deslormes iceux disseisies eient lour dam̃ per recognisans de lassise, p le q̃l ils recoueront lour tenem̃ts, & les disseisors soiẽt amercies deuant deux Barons dexchequer, q̃ux du foits p an viendẽ en le Citie a ceo faire. Et ceo soit maunde a Treasorer & as Barons dexcheq̃r, q̃ls le facent faiẽ chescũ an p ij. de eux a lour leuer aprz la Chaũdeleure. Et lez amercem̃ts p les sũmons del Escheq̃r, soiẽt leuies al oeps le roy, & al escheq̃r deliueres.

Wines 1. cap. 15.

¶ Puruiew est ensement, q̃ le Maiẽ & les Bailifs auant le venue de ceux Barons enquergent des Vines vendus encounter lassise, & le p̃sentẽt deuant eux a lour venue, & donq̃z soient amercies, la ou ils soilent attẽdre, ielqz a le venue des Justices errants. Dones a Gloucestẽ le quart iour de October, lan du raigne le Roy Edward fits le Roy Henry, 6.

Explicit Statutum de Gloucestẽ.

¶ Explana-

¶ Explanationes Stat' Glouceſtr', An. prædict' Regis 6. æditę.

POſtmodum per dominum Regem, & Iuſticiarios ſuos factæ ſunt quædam explanationes quorundam articulorũ ſuperius poſitorum.

Damages 3. cap. 1.

Videlicet ad primum Articulum, vt illi qui habent ingreſſum per diſſeiſinam incurrant dampna à tempore ſtatuti publicati. Eodem modo de breuibus de ingreſſu ſuper diſſeiſinam. De damnis in omnibus breuibus mortis anteceſſoris conſanguinitatis, Aui, vel Proaui, de Intruſione, vel de facto ꝓprio, vel quodcunq; breue, currant damna poſt impetrationem breuis, contra eos qui tenuerunt per ſtatutum, licet anteceſsores ſui prius inde obierunt ſeiſiti.

Age 3. cap. 2.

De inquiſitione faciend', quæ tangit illos qui ſunt infra ætatem, currat ſtatutum ſine temporis limitatione.

De terris alienatis per illos qui tenẽt per legem Anglię, currat ſtatutum de huiuſmodi terris alienatis poſt ſtatutũ illud publicatũ. Eodem modo currat ſtatutum de terris vxoris alienatis per virum, vbi finis in curia non eſt inde leuat'.

Ceſſauit 2. cap. 2.

De terris dimiſſis ad feodi firmam, reddend' inde per annũ quartam partem veri valoris earum, currat ſtatutũ, tam de terris,

dimiſſis

dimissis ante statutũ æditũ, quam post, dummodo tenens detinuerit vltra duos annos post statutum ęditũ, id quod soluere debuit dimissori per annum, iuxta scripť conuentionis illius.

Wast 1. cap. 4.

De pœna vasti, de omnibus (preterquam de dotibus & custodijs) intelligatur de vastis factis post statutum ęditum. Et de pœna tripli in casibus vasti de dotibus & custodijs, intelligatur de vastis factis post statutum ęditum.

Entre 2. cap. 5.

De his qui alienant dotem suam, intelligatur post statutum ęditum.

Datũ apud Glocest' die dominica prim post festũ diui Petri ad vincul', Anno regni Regis E. 1. sexto.

¶ Statutum de Religiosis, ęditum *Anno 7. Edw. primi.*

Mortmaine 2. cap. 1.

CVm dudum prouisum fuerit, ꝙ viri Religiosi non ingrederẽtur feoda aliquorum, sine licentia & voluntate capitalium dominorum feodorum de quibus feoda illa immediatè tenẽtur, & viri Religiosi postmodum nihilominus tam feoda sua ꝓpria quã aliorũ hactenus ingressi sunt, ea sibi appropriando, & emẽdo, & aliquando ex dono

aliorum

aliorum recipiendo, per quod seruitia quæ ex huiusmodi feodis, debentur, & quę ad defensionem regni ab initio prouisa fuerint, indebitæ subtrahuntur, & capitales domini escaetas suas inde amittunt: Nos super hoc pro vtilitate Regni nostri congruũ volentes puidere remedium, de consilio Prelatorum, Comitum, Baronum, & aliorũ fidelium regni nostri de consilio nr̃o existentium, prouidimus, statuimus, & ordinauimꝰ, qd' nullus Religiosus, aut alius quicunque terras aut tenemẽta aliqua emẽ vel vendere, vel sub colore donationis, aut termini, aut ratione alterius tituli cuiuscunque, terras, aut tenementa ab aliquo recipere, aut alio quouismodo, arte vel ingenio sibi appropriare presumat, sub forisfactura eorundem per quod ad manum mortuam terre vel tenemẽta huiusmodi deueniãt quoquomodo. Prouidimus etiam qd' si Religiosus aut alius cõtra presens statutũ aliquo modo, arte vel ingenio vemẽ præsũpserit, liceat nobis & alijs immediatè capital' dominis feodi talĩ alienati illud infra annũ à tempor̃ alienationis huiusmodi, ingredi & tenere in feodo & hereditate. Et si capitalis dns immediat̃ negligens fuerit, & feod' huiusmodi ingredi noluerit infra annũ, tunc liceat pximo capitali domino immediatè feodi illius, infra dimidium anñ sequentem, feod' illud ingredi, & tenẽ sicut p̃dict' est, Et sic quilibet capital' dns immediatè ingredi possint hm̃di feoda, si ppinquior dns immed' ad ingrediẽd' hm̃odi feoda negligens fuerit,

vt

vt prædictũ est. Et si omnes huiusmodi capitales domini huiusmodi feodi qui plenæ ętatis fuerint infra quatuor Maria, & extra prisonã, p vnũ annũ & dimidium negligentes fuerint, vel remissi in hac parte. Nos statim post annum completum à tempore quo huiusmodi emptiones, donationes, vel alios appropriationes fieri contigerit, terras & tenementa huiusmodi capiemus in manũ nostrã, & alios inde feoffabimus per certa seruitia nobis inde ad defensionem regni nostri facienda, saluis capital' dñis feodorũ illorũ wardis, releuijs, & escaetis, & alijs ad ipsos pertiñ, ac seruitijs inde debit & consuet. Et ideo vobis mandamus, quod statutũ prædict coram vobis legi, & de cętero firmitèr teneri & obseruari faciatis. Teste me ipso apud Westminst. xiiij. die Nouẽbris, Anno regni nostri vij. &c. [Mag. char. cap. 36. W. 2. ca. 32. & 33. & W. 3. Anno 18. E. 1. cap. 4.]

Explicit statutum de Religiosis.

¶ Statutum de Acton Burnel, ędit *Anno* 11. *Edw. primi.*

Recognisance & Stat. marchant. cap. 1.

PAr ceo que Merchantes, queux auant ceux heures ount pristes lour auoir as diuers gents, q̃ux sont chues en pouerty, pur ceo q̃ ils nauoiẽt pas cy ready ley pur auiew, p la q̃l ils poiẽt lour dettes hastiuement recoue-

recouerer al iour de la paye assigne, & p ycel encheson sont mults dez merchãts fruitretz de vener en cest terr̃ oue lour merchaũdises as damis dez merchãts, & de tout le roialme. Le Roy per luy, & per tout son coũsel, ad ordeine & establie, que Merchant q̃ voit estre sure de son det, face vener son dettour deuant le Mayor de Loundres, ou de Euerwike, ou de Wristoll', ou deuant le Mayor & du Clerke, que le Roy a ceo attournera, a conuser la det, & le iour de paym̃t, soit la reconusl. entre en roll' de la maine le dit Clerk que serra conue. Duster ceo le dit Clerke face de la maine lettre obligat, a q̃l escripture soit mis le seale le dettour, oue seale le Roy que a ceo soit paruiew, le q̃l seale demurra en le garõ del Mayor & le Clerke auantdit. Et si le dettour ne luy rend̃ al iour q̃ luy est done ou assis, si veigne le creansor al Mayor & al Clerke oue sa lettre obligat: Et si troue soit per rolle, ou per lettre, que la det fuit conue, & q̃ le iour assis est passe, le Mayor p view des prudes homes, maintenant face vendre les moueables du dettor come attaint de la dette, sicome chateux burgages deuisables, iesque a la summe de la dette, et les deniers soyent payes al creansour. Et si le Mayor ne troue achatour, face p reasonable price liuerer les moueables a creansour, iesq̃ a la summe de la det en allowance de le det. Et a la vende, & sa liuere des burgages deuisables serra mis le seale le Roy auantdit, en pardurable tes-

moigñ

moigne. Et si le dettour neit moueables en le poier le Maior, dont le dette purr̄ estre leue, eins eit aflors en la Realme, donq̄s maunde le Mayor desouth le seale le roy auantdist al Chauncelor la conus. fait deuāt luy & lauantdit Clerke. Et le Chauncelor maunde bre al vir̄ en q̄ baily auer̄ moueables le dettor. Et le vicont face faire grē al creaunsor p m̄ la forme, q̄ le Mayor le ferroit, si les mouables le dettor fuissent en son poier. Et bien soy gardēt ceux, q̄ ont praise les biens mouables pur liuerer al creansor, que ils metr̄ reasonable price. Car sil̄z les mittent trope haut, en fauour del dettor, al dam̄ del creansor, la chose price soit liuer a ceux q̄ux laueront praise pur la price q̄ ils ent ont mise, & maintenant respoigñ al creansor de sa det. Et si la dettor voile dire, q̄ les bñs mouables fueront vende ou liueres pur meines, q̄ ils ne bailent, de ceo ne purr̄ il my remedy auer, pur quoy q̄ le Maior ou le vir̄ eyent loyalment les biens mouables a celuy que plus offert vendus, car il purra retier a luy m̄ auant la iour de sa suit port, & fez bñz mouables auer vend̄, & p les maines les deniers auoir leue, & ne voilet.

¶ Et si le dettor neit mouables, dont la det purr̄ cē leue, donq̄s soit son corps prise ou q̄ il serra troue, & en prison tenue, ieiq̄ a tant q̄ il eit fait grē, ou ses amies pur luy. Et sil nad dont il poit estre sustenus en prison, la creansor luy trouera paine & eūr, q̄l ne morge en prison pur defaut, les q̄ux costa ges

costages le dettor luy rendu oue le det, auant q̃ il isset̃ del prison.

¶ Et si le creansor soit marchãt estrange, il demurra al costages le dettor tout le tẽps q̃ il demurt pur suer sa dette leuer iesque al heure q̃ les biens mouables le dettor soient vendus, ou a luy liueres.

¶ Et si le creansour ne se paia pas de la suerte solement le dettor, per q̃ pledges luy soit̃ troues ou mainpernors, si les mainpnors, ou les pledges veigñ denãt le Maior & le dit Clerke, & soy obligent per escriptur̃ et recognisans, sicome auant est dit del dettor. En mesm̃ le maner si la dette ne soit paya a iour assignñ, soit fait lexecution sur les pledges & mainpernors, come auant est dist del dettor. Et eyt le creansor recouery sur les pledges & mainpernors come auant est dit del dettor.

¶ Et issint ne pur quant que tanqꝫ come la dette puisse estre pleinment leue des biẽs mouables del dettor en le form̃ auantdit, les mainpernors ou les pledges ne eiant dam̃, mes en default des biẽs mouables du dett̃, et le creansour recouerie sur les mainpernors, ou sur les pledges en la forme, q̃ auant est dit del dettors &c. Et a sustenesir les costages de lauantdit Clerke, si prendra le Roy de chescun liuer vn denier. Cest establiyment voit le Roy q̃ desormes soit tenus & garde per tout son Realme de Angliterre, euiter q̃l gents q̃ ceo soit, que de lour demesñ degrẽ voudrõt cest recognisãs fait̃

hors

forspriſe Jeiwes, aux q̃ux cest eſtabliſſyment ne ſe extende pas.

¶ Et per cest eſtabliſſyṁt ne ſoit pas bẽ de Dette abatus, & ne ſoient pas le Chauncelier, Barons de Leſchequer, Barons de lun bank & de lauter, ou Juſtices errants, forclos de prẽdre recognuſances des dettes de ceux q̃ deuant eux voudront faire. Mes lexecution des recognuſances deuant eux ne ſoient faits en la forme auantdit, mes per la ley, et les vſages, & les maners auant vſes. Done a Acton Burnel, le rẽ. iour de October, lan de noſtre raigne 11. [Vide ſtatũ de Mercatoribus, Anñ 13. E. 1.]

¶ Statutum de Weſtm̃ ſecundo, ẹdit̃ *Anno* 13. *Edwardi primi.*

CVm nuper Dominus Rex, in quindena Sancti Iohannis Baptiſtę, anno regni ſui ſexto, conuocatis Prẹlatis, Comitibus, Baronibus, & conſilio ſuo apud Glouceſtr̃: Quia plures de Regno ſuo exhẹredationem patiebantur, eo quod in multis caſibus, vbi remedium apponi debuit prius, non fuit per prẹdeceſſores ſuos, aut per ipſum remedium prouiſum, quẹdam ſtatuta populo ſuo valdè neceſſaria & vtilia ẹdidit, per quę populus ſuus Anglicanus & Hybernicus ſub ſuo regimine gubernatus, celeriorem juſticiam

ciam, quam prius, in suis oppressionibus consecutus est, ac quidam casus, in quibus Lex deficiebat remanserunt indeterminati, & quidam ad reprimendam oppressionē populi remanserunt statuend'. Dominus Rex in Parliamēto suo, post Pascham, anno regni sui tertio decimo, apud Westminster, multas oppressiones populi, & Legum defectus, ad suppletionem dictorum Statutorum apud Glocester' ęditorum, recitari fecit, & statuta ędidit, vt patebit in sequent.

Taile 1. cap. 1.

In primis, de tenementis, quę multociens dantur sub conditione, videlicet, cum aliquis dat terram suam alicui viro & eius vxori, & hęred' de ipsis viro & muliere procreatis, adiecta conditione expressa tali. Si huiusmodi vir & mulier sine hęred' de ipsis viro & muliere ꝓcreato obijssent, terra sic data ad donatorem, vel ad eius hęredem reuertatur. In casu etiam cum quis dat tenement alicui in liberū maritagiū, quod donū habet conditionē annexam, licet non exprimatur in carta doni, quę talis est. Quod si hmodi vir & mulier sine hęred' de ipsis viro & muliere procreato obijssent, tenementū sic datum ad donatorem, vel ad eius hęredem reuertatur. In casu etiam cum quis dat tenemētū alicui, & hęred' de corpore suo exeuntibus, durum videbatur, & adhuc videtur, huiusmodi donatorib', & hęredib' donatorū, quod voluntas donatorū ipsorum in donis suis expressa, non fuit prius, nec adhuc est obseruata. In omnibus

Taile speciall.

Taile generall.

Post prolem suscitat', nemy deuant.

mibus enim prędictis casib' post prolem suscitatam, & exeuntem ab ipsis quibus tenẽt sic condicionalitèr fuit datum, hucusque habuerunt huiusmodi feoffati potestatem alienãdi tenement̃ sic datum, & exhęredandi exitum eorum, contra voluntatem donatorũ, & contra formam in dono expressam. Et pręterea cum deficiente exitu de hm̃odi feoffatis, tenẽt sic datum ad donatorem, vel ad eius hęredes reuerti debuit per formam in charta de dono hm̃odi expressam, licet exitus (si quis fuerit) [obijsset] per factũ [tamen] & feoffamentum eorum, quibus tenẽt sic fuit datum sub conditione, exclusi fuerunt hucusque de reuersione eorundẽ [tenẽtorum] quod manifestè fuit contra formam doni: Propter qd' dn̄s Rex perpendens, quod necessariũ & vtile est in p̃dictis casibus apponere remediũ, statuit quod voluntas donatoris, secundum formam in charta doni sui manifestè expressam, de cętero obseruetur, ita quod non habeant illi, quibus tenẽt sic fuit datũ sub conditione, potestatem alienandi tenẽt sic datum, quo minus ad exitum illorum, quibus tenẽt sic fuerit datum remaneat post eorum obitum, vel ad donatorem, vel ad eius heredem (si exitus deficiat) reuertatur, per hoc quod nullus sit exitus omnino, vel (si aliquis exitus fuerit, & per mortem deficiet) herede de corpore huiusmodi exitus deficiente. Nec habeat de cetero secundus vir huiusmodi mulieris aliquid in tenement̃ sic dato per conditionem, post mortem vxoris suæ, per legem Angliæ: nec

Nota, parols (fuit dat' &c.) q̃ux ad relation ad dona precedentia, non obstante pols (de cętero &c.) queux ad relation ad dona futura.

nec exitus de secũdo viro & muliere successionem hęreditariam : sed statim post mortẽ viri & mulieris, quibus tenũ sic fuit datũ, post eorum obitum ad eorũ exitum, vel ad donatorem, vel ad eius hęredem (vt p̃dictum est) reuertatur. Et quia in nouo casu nouum remedium est apponendum : fiat impetranti tale breue. Pręcipe A. quod iustè &c. reddat B. tale mansiũ cum pertineñ, quod C. dedit tali viro, & tali mulieri, & hęred' de ipsis viro & muliere exeũtibus: Vel quod C. dedit tali viro in liberũ maritagium, cum tali muliere, & quod post mortem p̃dictorũ viri & mulieris p̃dicto B. filio eorundẽ viri & mulieris discendere debet per formam donationis prædictę, vt dicit : Vel quod C. dedit tali & hęred' de corpore suo exeuntibus, & quod post mortẽ ipsius talis, predicto B. filio p̃dicti talis discendere debet p formam donationis &c. Breue p quod donator habet recuperare deficiente exitu, satis est in vsu in Cancellaria. Et sciendum est, quod hoc statutum quoad alienationẽ tenementi contra formam doni imposterum faciend', locum habeat, & ad dona prius facta non extendatur. Et si finis super hm̃odi tenũ imposterum leuetur, ipso iure sit nullus. Nec habeant hęredes hm̃odi, aut illi ad quos spectat reuersio, (licet fuerũt plenè ętatis, in Anglia, & extra prisonam) necesse apponere clameum suum.

Finis leuat' cõtra formam donationis vacat.

Aliter est modo per Stat. 4. H. 7. 24. & 32. H. 8. 36. per queux si tenãt en taile leuie fine, est touts foiz barred.

Repleuin 2. cap. 2.

Quia domini feod' distringentes tenentes suos, pro seruitijs & consuetud' sibi debit,

multociens grauantur per hoc, quod cum tenentes sui, districtionem suã per breue, vel sine breue, replegiauerint, ac cum ipsi domini (ad queremoniam tenentiũ suorum) ad com̃, vel ad aliam curiam habentem potestatẽm placitandi placita de Vetito namio, ꝑ attachiamenꝫ venerint, & rationabilẽ & iustam districtionẽ aduocauerint, ꝑ hoc ꝙ tenentes disaduocant, nihil tenere nec clamant tenere de eo qui districtionem fecit, & aduocauit, remansit ille qui distrinxit in misericordia, & tenentes sui quieti, quibus pro illa disaduocatione per recordũ Com̃, siue aliarum curiarũ, quę recordũ non habẽt pœna infligi non potest, De cętero prouisum est & statutum, quod cum hm̃odi dm̃i in com̃ vel huiusmodi curia, justiciam de huiusmodi tenentib' suis consequi non possint, quam cito attachiati fuerint ad sectam tenentiũ suorũ, concedatur eis breue ad ponendũ loquelam [illam] coram Iusticiarijs, coram quibus [& non alibi] justicia huiusmodi dominis exhiberi poterit, & inseraꝫ causa in breui, quia talis distrinxit in feodo suo pro seruic' & cons. sibi debitis. Nec per istud statutum derogat Legi cõmuni vsitatę, quod non permisit aliquod placitũ poni coram Iustic' ad petitionẽ defendentis: quia licet prima facie videatur tenens actor, & dominus defendens, habito tamen respectu, ad hoc ꝙ dm̃s distrinxit, & sequit pro seruitijs & cons. sibi aretro existen realiter apparebit potiùs actor, siue querens, quàm defendens, Et vt in certo sint Iustic',

de qua

de qua recenti seisina poterint domini aduocare rationabilem districtionem sup tenentes suos: De cętero concordatum est, quod rationabilis districtio poterit aduocari de seisina antecessorũ vel prędecessorũ suorum, à tempore quo breue Nouę disseisinę currit. [Vide W.1.cap.38.] Et quia aliquando contingit, quod tenens postquam replegiauerit aueria sua, aueria illa vendit vel elongat, quo minus retornum possit fieri dño distringenti, si adiudicetur. Prouisum est, quod Vicecomes, vel Balliui, de cętero non recipiant à conquerẽtibus solummodo plegios de ꝓsequendo, antequam deliberationẽ faciant de auerijs, sed etiam de auerijs retornandis, si adiudicef retornũ. Et si quis alio modo plegiõs ceperit, respondeat ipse de precio aueriorum. Et habeat domin' distringens recuperare per breue, quod reddat ei tot aueria, vel catalla. Et si non habeat balliuus vnde reddat, reddat superior suus. Et quia aliquãdo contingit, qd' postq̃ adiudicatũ fuerit distringenti retornũ aueriorũ, & sic districtus, postquam aueria sic retornata iterum replegiauerit, & cum viderit distringentẽ comparentem in curia paratũ sibi respondere, defaltam fecerit, ob quam iterũ readiudicabitur distringẽti retornũ aueriorũ, & sic bis, vel ter, & in infinitũ replegiabuntur aueria, nec habebũt iudicia curię Regẑ in hoc casu effectũ, super quo non fuit prius remediũ prouisum. Ordinatũ est in hoc casu talis ꝓcessus, quod quam cito adiudicatũ fuerit retornũ auerio-

rum distringenti per breue de Iudicio, mandetur Vic', quod retornum habere faciat distringenti de auerijs, in quo breui inseratur, quod Vic' ea non deliberet sine breui, in quo fiat mencio de iudicio p Iustic' reddit̃: quod fieri non poterit, nisi per breue quod exeat de rotulis Iustic', coram quibus deduct̃ fuerit loquela. Cum igitur [districtus] adierit Iustic', & petierit aueria sua iterum sibi replegiari, fiat ei breue de Iudicio, qd' vic' (capta securitate de ꝓsequendo, & etiam de auerijs seu catallis retornand', vel eorum precio, si adiudicetur retornum) deliberet ei aueria, vel catalla prius retornata: & attachietur ille qui distrinxit, ad veniend' ad certũ diem coram Iustic', coram quibus placitum deducatur in pręsentia partium. Et si iterato ille, qui replegiauerit aueria, fecerit defaltam, vel alia occasione adiudicetur retornum districtionis iam bis replegiat̃, remaneat districtio illa in perpetuum irreplegiabilis. Sed si de nouo, & de noua causa fiat districtio, de noua districtione seruetur processus supradictus.

Cui in vita 1. cap. 3.

In casu quando vir amiserit per defaltam tenũt̃, quod fuit ius vxoris suę, durũ fuit quod vxor post mortem viri non habuerit aliud recuperare, quam p breue de Recto: Propter quod dn̄s Rex statuit, quod mulier post mortem viri sui habeat recuperare per breue de Ingressu, cui ipsa in vita sua contradicere non potuit, ꝙ in forma subscripta erit placitand'.

Si

Si contra petitionem mulieris tenens excipiat, quod habuerit ingressũ per iudicium, & compertũ fuerit, quod per defaltam, ad quod tenens necesse habet respondẽr, si ab eo quer̃at, tunc vlterius habet necesse ostendere ius suum, secundũ formam br̃is, quod prius impetrauit sup̃ virum & vxorem. Et si verificare poterit, q̃ habuerit, vel habet ius in tenito petito, nihil capiat mulier per br̃e suum. Quod si ostẽdere non poterit, recuperet mulier tenẽt̃ petitum: Hoc obseruato, quod si vir absentauerit se, & noluerit ius vxoris suę defendere, vel inuita vxore sua reddere voluerit, si vxor ante iudiciũ venerit, parata petenti, respondere, & ius suũ defendere, admittatur vxor. Eodẽ modo si tenens in dotem, per legẽ Angliæ, vel aliter ad terminũ vitę, vel per donũ in quo reseruatur reuersio, fecerit defaltã, vel reddere voluerit, admittãtur heredes, vel illi ad quos spectat reuersio, ad responsionem, si venerint ante iudiciũ. Et si p̃ defaltã, vel redditionẽ reddat̃ iudiciũ, tunc habeant hered', vel illi ad quos spectat reuersio, post mortem hũmodi tenentiũ, recuperare p̃ br̃e de ingressu: in quo obseruetur idem p̃cessus, sicut p̃dictũ est in casu vbi vir amittit per defaltã tenẽt̃ vxoris suę. Et sic in casibus p̃dictis duæ concurrunt actiones: vna inter petẽtem & tenentẽ, & alia inter tenẽtem ius suũ ostendentem & petentem. [Vide 20. E. 1. defẽsio iuris fo. 88.]

Dower 3. cap. 4.

In casu quando vir implacitatus de tenement̃, reddit tenemẽtum petitum aduersario

suo de plano, post mortem viri, Iusticiarij adiudicent mulieri dotem suam, si per breue petat. Sed in casu quando vir amittet p defaltam tenementum petitum, si mulier post mortem viri petat dotem, & compertũ est, quod per aliquos Iusticiarios adiudicata fuit dos mulieri petenti, non obstante defalta, quam vir suus fecit, alijs Iusticiarijs in contraria opinione existentib', & contrariũ iudicantib', vt de cęteto lim̃odi ambiguitas amputetur, & fit in certo: Ordinatum est quod in vtroque casu audiatur mulier, quę dotem petit. Et si excipiatur contra ipsam, quod vir suus tenũt, vnde dos petita est, amisit per iudicium, per quod dotem habere non debet, & si queratur p quod iudiciũ, & compertũ fuerit quod per defaltam, ad qd' tenens necesse habet respondere, tunc oportet tenent̃ vlterius respondere, & ostendere quod ipse [tenens] ius habuit, & habet in p̃dicto tenũt, secundum formam breuis, quod tenens prius super virum impetrauit. Et si ostendere poterit, qd' vir mulieris non habet ius in tenũt, nec aliquis alius quã ipse qui tenet: recedat quietus, & vxor nihil capiat de dote. Quod si ostẽdere non poterit, recuperet mulier dotem suam. Et sic in casibus istis, & in quibusdam casibus subsequent̃. s. quando vxor dotata amittat dotẽ suam p defaltam, & tenentes in libet̃ maritagio per legem Angliæ, vel ad terminum vitæ, vel per feodum talliatũ, concurrũt plures actiones. Quia huiusmodi tenentes, cum oporteat eos petere tenemẽta

sua p defaltã amissa, & cum ad hoc peruentũ fuerit, qd' tenẽs necesse habeat ostendere ius suũ, non possunt ipsi, sine his ad q̃ spectat reuersio, de iure respondere: & ideo cõcedatur eis, qd' vocent ad warrant̃ secundũ tenorem breuis, ac si essent tenentes [in priori breui] warr̃ habeant. Et cum warrantus warrantizauerit, pcedat placitum inter illũ qui seisit' est & warrantũ, secũdũ tenorem breuis, quod tenẽs prius impetrauit, & p qd' recuperauerit per defaltam. Et si ex pluribus actionibus, ad vltimũ perueniat ad vnum iudiciũ, videlicet ad hoc qd' huñodi petentes recuperent petitionẽ suam, vel qd' tenentes eant quieti. Et si actio huiusmodi tenentis, qui necesse habet ostendere ius suũ, mota fuerit p breue de Recto, licet magna assisa, vel duellũ iungi non possunt per verba consueta, [iungi] tamen possunt per verba satis apta. Quia cum tenens in hoc qd' ostendat ius suum, quod ei competet per breue qd' prius impetrauit [&] sit loco actoris, benè poterit warrant̃ defendere ius tenentis, qui loco petentis (vt dictum est) habet, & seisinam antecessoris sui offerre & defendere p corpus liberi hominis sui, vel ponere se in magnam assisam, & petere inde recognitionẽ fieri, vtrum ipse maius ius habeat in tenemento petito, an prædictus talis: vel alio modo iungi poterit magna assisa, & sic talis warrantus defend' ius &c. Et cognoscit seisinam antecessoris sui & ponit se in magnam assisam &c. & petit recognitionẽ fieri, vtrum ipse maius ius habeat

beat in prędicto tenemento, vt in illo de quo feoffauit talem, vel quod talis remisit, & quietum clamauit &c. an prędictus talis &c. Cũ aliquando contingat, quod mulier non habens [ius] petendi dotem hęreditatis hęredis alicuius infra ętatem existen̄, impetret breue de dote super custodem & custos per fauorem mulieri dotem reddiderit, vel defaltam fecerit, vel placitum ita fictum p collusionem defenderit, per qd' dos huiusmodi mulieri (in prędiudicium hęredis) adiudicata fuerit: Prouisum est quod hęres, cum ad ętatem peruenerit, habeat actionem petendi seisinam antecessoris sui versus huiusmodi mulierem, qualem haberet versus quemcunque alium deforciatorem, ita tamen quod salua sit mulieri versus petentem exceptio ostendendi, quod ius habet in dote sua, quod si ostendere poterit, recedat quieta, & dotem suam retineat, & sit hęres in misericordia, & amercietur grauiter secundum discretionem Iusticiariorum. Sin autem recuperet hæres petitionem suam. Eodem modo subueniatur mulieri, si hęres vel alius eam implacitauerit de dote sua, si dotem suam per defaltam amiserit. In quo casu sua defalta non sit ei ita prędiudicialis, quin dotem suam (si ius habeat) recuperare possit, & fiat ei tale bre. Prędipe A. quod iuste &c. reddat tali, quæ fuit vxor talis tantam terram cum pertinentijs in C. quam clamat esse rationabilem dotem suam, vel de rationabili dote sua, & quã prædictus talis ei deforceat. Et ad istud bre

habeat

habeat tenens exceptionem suam, ad ostendendum, quod mulier ius non habet in dote: Quod si verificare poterit, recedat quietus, alioquin recuperet mulier tenementũ, quod prius tenuit in dote. Et cum temporibus retroactis aliquis amisisset terram suam p defaltam, non habuit aliud recuperare quam per breue de Recto, quod eis competere non potuit, qui de mero iure loqui non potuerũt, veluti tenentes ad terminum vitæ, vel per liberum maritagium, vel per feodum talliatum, in quibus casibus saluatur reuersio. Prouisum est quod de cętero non sit eorum defalta eis ita prejudicialis, quin statũ suum (si ius habeant) recuperare possint per aliud breue quam per breue de Recto. De maritagio amisso per defaltam fiat tale breue. Pręcipe A. quod iustè &c. reddat B. manerium de C. cum pertinentijs, quod clamat esse ius, & maritagium suum, & quod prædictus A. ei deforc'. Eodem modo de tento ad terminum vitæ per defaltam amisso, fiat tale breue. Pręcipe A. quod iuste &c reddat B. manerium de C. cum pertinen̄, quod clamat tenere ad terminum vitę suę, & quod prædictus A. ei deforceat. Similiter quod clamat tenere sibi & hęredibus suis de corpore suo legitimè procreatis, & quod prædictus A. ei deforc' &c.

Firzh. Nat. bre. fol. 8. d.

F. Nat. bre. fol. 155. b.

Aduowson 1. cap. 5.

Cum de Aduocationibus Ecclesiarũ non sint nisi tria breuia originalia, videlicet breue de Recto, & duo de possessione, sciz. vltimę

pręc-

pręsentationis, & Quare impedit hucusque vsitatũ fuerit in regno, quod cum aliquis ius p̃sentandi non habens pręs ẽtauerit ad aliquã Ecclesiam, cuius pręsentatus sit admissus, iple qui verus est patronus, per nullũ aliud breue recuperare potuit aduocationẽ suam, quam per breue de Recto qd' habet t̃minaẽ per duellum, vel p magnam Assisam, per qd' hęredes infra ętatem existentes per fraudem & negligẽtiam custodũ, hęredes etiam siue maiores, siue minores per negligẽtiam vel fraudem tenentiũ per legem Angliæ, vel mulierum tenentium in dotem, vel alio modo ad terminũ vitæ, vel annorum, vel per feodum talliatũ, multotiens exhęreditationẽ patiebantur de aduocationibus illis, vel ad minus (qd' eis melius fuit) ponebantur ad breue de Recto, & in casu omnino exhęreditati fuerũt hucusque. Statutum est quod huiusmodi presentationes non sint huiusmodi rectis hęredibus, aut illis ad quos post mortẽ aliquorũ, hm̃odi aduocationes reuerti [debent] ita preiudiciales, quin quotiescunque aliquis ius non habens, tempore hm̃odi custodiarũ pręsentauerit, vel tempoẽ tenentium in dote, per legem Angliæ, vel alio modo ad terminum vitæ, vel annorum, vel per feodum talliatum, in proxima vacatione, postquam hęres ad ætatem peruenerit, vel aduocatio post mortem tenentium in forma prędicta ad hęredem plenẽ ætatis existentem reuertetur, habeat eandẽ actionem & recuperationem per breue de aduocatione possessorium qualem

Fitzh. Nat. bre. fol. 31. g.

lem haberet vltimus antecessor huiũmodi hęredis plenam habens ętatẽ, in vltima vacatione tempor̃ suo accidente ante mortẽ suam, vel antequã dimissio facta fuerit ad terminũ, vel ad feodum talliatum, vt prædictum est. Hoc idem obseruetur de pręsentationibus factas ad Ecclesias de hęreditate vxorũ, tempore quo fuerunt sub potestate virorum suorum, quibus per istud statutum subueniatur, per remedium supradictum. Viris etiam Religiosis, Episcopis, Archidiaconis, Rectoribus Ecclesiarum, & alijs p̃sonis ecclesiasticis per istud idem statutũ subueniatur: si aliquis ius pręsentandi non habens pręsentauerit ad Ecclesias domus siue prælatiæ, dignitati aut personatui spectantes, tempore quo vacauerint pręlatię, dignitates, aut personatus huiusmodi: nec tamen ita largè intelligatur istud statutũ, quod p̃sonę, ad quorũ remedium statutum istud est ęditum, habeãt recuperare supradictum, dicentes quod custodes, tenentes in dotem, per legem Angliæ, vel alias ad terminum vitę, vel annorum, vel viri ficte defenderint placitum per ipsos, vel contra ipsos motum, quia iudicia in curia Regis reddita per istud statutum non adnihilentur, sed stet iudiciũ in suo robore, quousque per iudicium curiæ [Regis] tanquam erroneum (si error inueniatur) adnulletur, vel assisa vltimę pręsentationis, vel inquisitio p Quare impedit si transierit per attinctã, vel p̃ certificationẽ adnulletur, quę gratis concedatur. Et de cętero vna forma placitãdi in breuibus

vltimę

presentationis, & Quare impedit, inter Iusticiarios obseruetur, quoad hoc, quod si pars rea excipiat de plenitudine Ecclesię per suam ꝓpriam ꝑsentationẽ, non ꝓpter illam plenitudinem remaneat loquela, dummodo breue infra tempus semestre impetretur, quanquam infra tempus semestre presentationem suam recuperare non possit. Et cum aliquando inter plures clamantes aduocationem alicuius Ecclesiæ pax fuerit formata inter partes, & irrotulata coram Iusticiarijs in rotulo, vel [in] fine sub hac forma, qd' vn' primo presentet, & in sequenti vacatione alius, & in tertia tertius, & sic de pluribus, si plures sunt. Et cum vnus pręsentauerit, & habuerit suam ꝑsentationẽ, quam habere debet per formã conuentionis illius, & in ꝓxima vacatione impediatur ille ad quem spectat sequens ꝑsentatio p aliquẽ qui fuit pars illius conuentionis, vel loco eius: Statutũ est quod de cętero non habeat hm̃odi impedit' necesse perquirere breue de Quare imp̃, sed habeat recursum ad rotulum, vel ad finem. Et si in rotulo, vel in fine compta fuerit p̃dict' pax, vel conuentio, mandetur Vic', qd' Scir̃ faciat parti impedienti, q̃ sit ad aliquem breuem diem continentem spaciũ xv. dierũ, vel trium septimanar̃, secundũ qd' locus est propinquus vel remotus, ostens. (si quid sciat dicere) quare sic impeditus talem ꝑsentationẽ suam habeř non debeat. Et si non venerit, vel forte venerit, & nihil sciat dicer̃, quar̃ sic impeditus ꝑsentationẽ suã habere non debeat,

ratione

ratione alicuius facti post pacem factam, vel irrotulatam, vel chirographatam, recuperet presentationem suam cum damnis suis. Et cum contingat quod post mortem antecessoris sui, qui ad aliquam ecclesiam presentauit personam, assignata fuerit illa aduocatio in dotem alicuius mulieris, vel tenenti per legem Angliæ, & tenentes in dotem, vel tenentes per legem Angliæ pręsentauerint, & verus hęres post mortem hm̃odi tenentium per legem Angliæ, vel in dotem, impediatur pręsentare, cum Ecclesia vacauerit: Prouisũ est, quod de cętero sit in electione impediti, vtrum perquirere velit per breue de Quare impedit, vel vltimę pręsentations. Hoc etiam de cętero obseruetur de aduocationibus dimissis ad terminum vitæ, vel annorũ, vel ad feodum talliatum. Et de cętero in breuibus vltimę pręsentationis, & Quar̃ impedit, adiudicẽtur dampna, videlicet, si tempus semestre transierit per impedimẽtũ alicuius, ita q̃ Eps̃ ecclesiam conferat, & verus patronus ea vice p̃sentationẽ suam amittat, adiudicentur dampna ad valorem Ecclesię de duobus annis. Et si tempus semestre non transierit, sed distrationetur p̃sentatio infra tempus prędictum, tunc adiudicentur damna ad valorem medietatis ecclesiæ p vnum annum. Et si impeditor nihil habeat, vnde restituer̃ possit damna, in casu qñd̃ episcop' cõfert [ecclesiæ] per lapsum temporis, puniatur p prisonã duorũ annorũ. Et si aduocatio distrationetur infra tẽp' semestr̃, puniatur tamẽ impeditor p

Fitzh. Nat. bre. fol. 31. g.

prisonam

prisonam dimidij anni. Et de cętero concedantur breuia de Capellis, prebẽdis, vicarijs, hospitalibus, abbatijs, prioratib', & alijs domibus quę sunt de aduocationibus illorum, quæ prius concedi non consueuerunt. Et cũ p breue Indicauit, impeditur rector alicuius Ecclesię, ad petendum decimas in vicina parochia, habeat patronus rectoris sic impediti breue ad petend' aduocationem decimarum petitarum. Et cum disrationatum fuerit, procedat postmodum placitum in curia Christianitatis, quatenus disrationatum fuerit in curia Regis. Cum aduocatio discendat participibus, licet vnus bis p̃sẽtet, & vsurpet sup coheredem, non ꝓpter hoc exclusus sit ille in toto qui fuit negligens, sed alias habeat turnum suum pręsentandi, cum acciderit.

Fitzh. Nat. bre. fol. 30. e.

Voucher 5. cap. 6.

Cum quis petat teñ versus alium, & implacitatus vocauerit ad warrant̃, & warrantus dedicat warrantiam, & diu pẽdeat placitum inter tenentem & warrantũ, cum ad vltimũ conuincatur, qd' vocatus ad warrantũ warrantizare tenetur per legem & cons. hactenus vsitatam, non fuit antea alia pœna infiicta vocato, qui warrãtiam dedixit, nisi tamen quod warrãtizaret, & esset in mia, quia prius non warrantizauit, quod durum fuit petenti, quia multociens per collusionẽ inter tenentem & warrantum magnas sustinuit dilationes. Propter qd' dominus Rex statuit, quod sicut tenens amitteret tenementũ petitum, si vocasset ad warrantum, & warrantus se

posset

possit deuoluere de warrantia: Eodem modo amittat warrantus si warrantiam dedicat, & conuincat̃ qd' Warrantizare debeat. Et si inquisitio pendeat int̃ tenentem, & warrãtum, & petens petat per breue ad faciẽdum veniṽ juratum, concedatur ei &c.

Admesurement de dower. I. cap. 7.

Custodi de cętero cõcedatur bṽe de admẽsuratione dotis, Nec per sectam custodis, si sicẽ & per collusionem sequatur versus mulierem tenentem in dotem, p̃cludatur hæres cum ad ætatem puenerit ad dotem admensurandum, secundum quod p legem Angliæ fuit admẽsurandũ. Et tam in isto breui, quã in bṽi de admensuratione pasturæ, celerior quã pri' de cętero fit processus, ita qd' cũ peruẽtum fuerit ad magnam districtionem, denṽ dies, infra quos duo com̃ teneantur, ad quos publica fiat proclamatio, quod defendens veniat ad diem in breui contentum querenti responsuṽ. Ad quẽ diem si venerit, pcedat placitum int̃ eos, & si non venerit; & proclamatio supradict' modo per vic' testificata fuerit, pcedatur per defaltam ad admẽsurationem faciendam.

Admesurement de pasture. I. cap. 8.

Cum p placitũ motum per bṽe de admẽsuratione pasturę, pastura fuerit admensurata aliquando coram Iustic', aliqũ in com̃ coram vic', multociẽs contingit, qd' post huiusmodi admensurationem actam, iterum ponit ille, qui primo superonerauit pasturam, plura animalia quam ad ipsum pertinet ha-

bend', nec super hoc hucusq; puisum fuisset remedium: Statutũ est, quod de secunda superoneratione fiat remedium conq̃renti sub hac forma, Quod conquerens habeat breue de Iudicio, si coram Iustic' admẽsurata fuerit pastura, quod Vic' in pręsentia partium prę-monitarum (si interesse voluerint) inquirat de scda superoneratione, Quę si inuenta fuerit, mandet Iustic' sub sigillo vic', & sigillis Iuratorum, & Iusticiarij adiudicent conquerenti damna, & ponant in extractis valorem animalium quę superonerat post admẽsurationẽ factam, posuit in pastura, vltra qd' debuit, & extractas liberent Baronib' de Scaccario, vt inde respondeant dño Regi. Si in cõm̃ facta fuerit admensuratio, tunc ad instantiam querentis exeat bre de Cancellaria, qd' vic' inquirat sup̃ hm̃odi superoneratione, & de auerijs positis in pasturam vltra debitũ numerũ, vel de precio dño Regi ad scaccarium suum rn̄deat. Et ne Vic' fraudem faciat dño Regi in isto casu: Concordatũ est, qd' oia hm̃odi breuia de secunda superoneratione, q̃ exeunt de Cancellaria irrotulentur, & in fine anni mittant̃ transcripta ad Scaccarium, sub sigillo Cãcellarij, vt videant Thesaurius & Barones de scaccario qualiter Vice' rn̄deat de exitibus hm̃odi breuium. Eodem modo irrotulentur bria de Redisseisina, & mittantur ad Scaccarium in fine anni.

Mesne 1. cap. 9.

Cum capitales domini distringunt feodum suum pro consuetudinibus & seruicijs sibi debitis,

debitis, & medius sit qui tenẽtem acquietare debeat, cum non iaceat in ore tenentis, postquam districtionem replegiauerit, dedicere demãda capitalis dñi sui, qui aduocat in cur̃ Regis iustam districtionem fieri super tenentem suum, viz. super medium, multi per huiusmodi districtiones hucusque grauati extiterunt, per hoc qd' medius (licet haberet per qd' distringi posset) magnas fecit dilationes antequam ad cur̃ venerit ad respondendum hm̃odi tenentib' suis ad breue de Medio: per hoc etiam qd' durius fuit in casu quãdo medius nihil habuit, in casu etiam cum tenens paratus esset facere capitali domino seruitia & consuetudines exactas, & capitalis dominus seruitia & cons. sibi debitas renuebat percipe: per manum alterius, quam per manum proximi tenentis sui, & sic amiserunt hm̃odi tenentes in dominico, pficuum, terarum suarũ aliquando ad tempus, aliquando toto tempore suo, nec fuit antea aliquod remedium in hoc casu prouisum. Ordinatum est & prouisum in hoc casu remedium in posterum, sub hac forma, quod quamcito hm̃odi tenens in dominico, habens medium inter ipsum & capitalem dominum, distringitur, statim pquirat sibi tenẽs breue de Medio. Et si medi' habẽs terrã in eodẽ com̃ diffugerit vsq; ad magnã districtionẽ, detur q̃rẽti in bri suo de magn̄ districtione talis dies, ante cui' aducẽtũ duo com̃ teneãtur, & pcipiatur vic', quod distringat mediũ p magnam districtionem, prout in breui continetur. Et

nihilominus Vic' in duobus plenis com̃ solemniter proclamare faciat, qd' hmodi medius veniat ad diem in breui content, responsurus tenenti suo. Ad quem diem si venerit, pcedat placitum inter eos mod' coniuncto. Et si non venerit huiusmodi medius, amittat seruicium tenetis sui, & a modo non respondeat ei tenens in aliquo, sed (omisso illo medio) respondeat capitali domino de eisdem seruicijs & cons. que prius facere debuit predictus medius. Nec habeat capitalis domin' potestatē distringendi tenentes in dominico dū pdictus tenens offerat ei seruicia debita & consueta. Et si capitalis domin' exigerit plus quam medius ei facere deberet, habeat tenens in hoc casu exceptionem versus dominum quam haberet medius. Si vero medius nihil habuerit in potestate Regis: nihilominus perquirat tenens breue suum de medio, ad vic' illius com̃ in quo distringitur. Et si vic' mandauerit, quod medius nihil habet vnde potest summoneri, nihilominus sequatur breue de Attachiamento. Et si Vic' mandauerit, quod nihil habet per quod potest attachiari, nihilominus sequat breue de magna districtione, & fiat pclamatio in forma predicta. Si vero medius non habeat terram, in com̃, in quo fit districtio, sed habeat terram in alio com̃, tunc exeat breue originale ad summoniendū medium, ad vic' illius com̃ in quo fit districtio. Et cum testificatū fuerit per illum vic', quod nihil habet in com̃ suo, exeat breue de Iudicio ad sūmon medium, ad vic'

illius

illius com̃ in quo testificat fuerit quod habet ten̄, & fiat secta in illo com̃, quousque perueniatur ad magnam districtionē, & ꝓclamationem, sicut dictum est supra de medio habente terram in eodem com̃ in quo fit districtio. Et nihilominus fiat secta in com̃ in quo nihil habet (sicut dictum est supra de medio nihil habente, quousq; perueniatur ad magnam districtionem & proclamationem, & sic post ꝓclamationem in vtroque com̃ factam abiudicetur medius de feod' & seruicio suo. Et cum aliqn̄ contingat, qd' tenens in dominico feoffatus est, ad tenend' de medio per minus seruicium quam medius facere debuit capitali domino, cum post huiusmodi proclamationem attornatus sit tenens capitali domino, medio omisso, necesse habet tenens respondere capitali domino de seruicijs & cons. quę medius ei prius facere debuit, & postquam medius venerit in cur̄, & cognouerit, quod acquietare debet tenentem suum, vel adiudicetur ad acquietand', si post huiusmodi cognitionem aut iudicium queremonia perueniat, quod medius non acquietat tenentem, tunc exeat breue de Iudicio, quod vic' distringat medium ad acquietandum tenentem, & ad essend' coram Iustic' ad certū diem, ad ostendend', quar̄ prius eum non acquietauit. Et cum per districtionem venerit, audiatur querens. Et si querens verificare poterit, qd' ipsum non acquietauit, satisfaciat de damnis, & per iudiciū recedat tenens quietus de suo medio, & attornetur capitali

domino. Et si ad primam districtionem non venerit, exeat br̃e de alia districtione, & fiat proclamatio, & postquam testificat̃ fuerit, ꝓcedatur ad iudicium, sicut superius dictum est. Et sciendm est, quod per hoc statutum non excludũtur tenentes, quin habeant warrantiam, si de tenemẽtis suis implacitentur, super medios suos & eorum hered', secundũ quod prius habuerunt, nec etiam excludũtur tenentes, quin sequi possunt versus medios suos, secundum consuetudinem prius vsitatam, si viderint quod processus eorum plus valeat per antiquam consuetudinẽ quã per istud statutum. Et sciendum est, quod per istud statutum non ꝓuidetur remedium quibuscunq; medijs, sed solummodo in casu cum sit vnus medius tm̃ inter dominum distringentem & tenentem, & in casu quando medius ille est plenę ętatis, & in casu quando tenens, sine prejudicio alterius quam medij, attornare se potest capitali domino, qd dictum est pro mulieribus tenentibus in dotem, & tenentibus per legem Angliæ, vel aliter ad terminum vitæ, vel per feodum talliatum, quibus pro aliquibus causis nondum est prouisum remedium: sed (Deo dante) alias prouidebitur.

Iustices in eyre 3. cap. 10.

Cũ in itinerẽ Instic' ꝓclamatũ fuerit, ꝙ omnes qui br̃ia liberat̃ voluerint, ea liberẽt infra certum terminũ, post quẽ nullũ br̃e recipietur, multi de hoc cõfidẽtes, cũ morã fecerint vsq; ad ꝑdictum terminũ, & nullũ br̃e sup eos

fuerit

fuerit liberatũ, de licentia iustic' recedũt, post quorũ recessum aduersarij sui ipsorũ absentiã percipientes, breuia sua porrigunt in cera, que aliquando per fauorẽ, aliquãdo ꝑ dono ꝑ vicecomitem recipiuntur, & illi, qui secure credebant recessisse, tenẽ sua amittunt: vt huiusmodi fraudi subueniatur imposterum, statuit dominus rex, quod iustic' in itineribus suis statuant ꝗminũ quindenę, vel mensis, minoris vel maioris termini, secũd qd' cõm fuerit maior vel minor, infra quem terminum public' ꝓclametur, qd' omnes qui breuia liberare voluerint, ea liberent infra terminum illum. Et in aduentum illius termini certificet vic' capitali iustic' itinerantí, quot br̃ia habet, & quę, & quod vltra illum ꝗminũ nullũ br̃e recipiatur: qd' si receptum fuerit, processus per illud factus pro nullo habeatur: excepto quod breue cassatum durante toto itinere releuari poterit. Breue etiam de dote de viris qui obierint al' seisiti infra summonitionem itineris, assisę vltimę pręsentationis, & quare impedit, de ecclesijs vacantibus, infra summonitionẽ p̃d', quocunq; tempore ante recessum iustic' recipiantur in itinere. Breuia etiam nouę disseisinæ, quocunque tempore facta fuerit disseisina, recipiantur in itinerib' iustic'.

Attorney 2. cap. 11.

Concedit dñs rex de gratia speciali, quod illi qui habent tenẽ in diuersis cõm, in quibus iustic' itinerant, vel de quibusdam tenẽ in cõm in quo iustic' non itinerãt timent implacitar̃,

& de alijs ten̄ in com̄, in quo Iustic' non itinerant, implacitentur: vt coram Iustic' apud Westm̃, vel de banco domini Regis, vel coram Iusticiarijs ad Assisas capiendas assignatis, vel in aliquo comitatu coram vic', vel in aliqua Cur̄ Baron̄, facere possint generalem attornat' ad prosequendū pro eis in omnibus placitis in itinere Iustic' ꝑ ipsis, vel contra ipsos motis vel mouendis, durante itinere. Qui quidem Attornatus, vel Attorn̄, habeat potestatem in placitis motis in itinere quousque placitum terminetur, vel dominus suus ipsum amouerit, nec per hoc excusentur, quin sint in iuratis, & assisis, coram eisdem Iustic'.

Accompt 2. cap. 12.

De seruientibus, balliuis, camerarijs, & quibuscunq; receptoribus, qui ad compotū reddend' tenentur: Concordatum est & statutum, quod cum dominus huiusmodi seruient̄ dederit eis audtores compoti, & contingat ipsos esse in arreragijs super compotum suum omnibus allocatis, & allocādis, arrestentur corpora eorum, & per testimonium auditorum eiusdē compoti, mittantur & liberentur ꝑxim̄ gaolę domini Regis in partibus illis, & à vic' seu custode eiusdem gaolę recipiantur, & carceri mancipentur in ferris, & sub bona custodia, & in illa prisona remaneant de suo ꝑprio viuentes, quousque dn̄is suis de arreragijs plenariè satisfecerint. Attn̄ si quis sic gaolę liberat' conqueratur, ꝙ auditores compoti sui ipsum iniustè grauauerunt,

onerando

onerando ipsum de receptis quę non recepit, vel non allocando ei expensas aut liberationes rationabiles, & inueniat amicos, qui eum manucapere voluerint ad ducend' coram Baronib' de Scaccario, liberatur eis, & scire faciat vicecom̃ (in cuius prisona fuerit) domino, quod sit corã Baronib' de scaccario ad aliquem certũ diẽ cum rotulis & alijs, per quos compotũ suũ reddiderit, & in pręsentia Baronũ vel auditorũ, quos assignare voluerint, recitetur compotus, & fiat partib' iustitia, ita qd' si fuerit in arreragijs, committatur Gaolę de Fleete, vt supradictũ est. Et si diffugerit, & gratis compotum reddere noluerit, sicut in alijs statutis alibi cõtinetur. [Marlebridge cap. 23.] Distringatur ad veniendum coram Iusticiarijs, ad compotum reddendũ, si habeat per qd' distringi possit. Et cum ad curiã venerit, dentur ei Auditores compoti, coram quibus si fuerit in arreragijs, & statim arrerag' soluere non possit, committatur gaolę custodiendũ in forma p̃dicta. Et si diffugerit, & testificatũ fuerit per Vic', qd' non sit inuentus, exigatur de com̃ in comitatũ, quousque vtlagetur. Et sit hm̃odi incarceratus irreplegiabilis. Et caueat sibi vic', vel custos eiusdẽ gaolę, siue sit infra libertatẽ siue extra, quod per commune breue, qd' dicitur Replegiare, vel alio modo sine assensu dñi ipsum à prisona exire non permittat: Quod si fecerit, & sup hoc conuincatur, respondeat domino de damnis, per huiusmodi seruientem sibi illatis, secundum quod per patriam verificare

poterit,

poterit,& habeat dominus suum recuperare per breue de debito [versus custodem.] Et si custos gaolę non habeat, p quod iusticietur, vel vnde soluat, respondeat superior suus qui custodiam huiusmodi sibi gaolę committit, per idem breue.

Appeales 4. cap. 13.

Quia multi per malitiam volentes alios grauare, procurant falsa appella fieri de homicidijs,& alijs felonijs, per appellatores nihil habentes, vnde domino Regi, pro falso appello, nec appellatis de damnis respōdere possint: Statutum est, quod cum aliquis sic appellatus de felonia sibi imposita, se acquietauerit in curia Regis modo debito, vel ad sectam appellatoris, vel domini Regis, Iusticiarij coram quibus auditum erit hm̄odi appellum & terminatū, puniant appellatorem p prisonam vnius anni,& nihilominus restituant huiusmodi appellatores damna appellatis, secundum discretionem Iustic', habito respectu ad prisonam vel arrestationē quam occasione hm̄odi appellorū sustinuerint appellati,& ad infamiam suam, quam per imprisonamentum, vel alio modo incurrerunt, & nihilominus versus dominū Regem gratuitèr redimantur. Et si fortè hm̄odi appellatores non habeant, vnde p̄dicta damna restituere possint, inquiratur per quorū abbettum formatum fuerit huiusmodi appellum, per malitiam, si appellatus hoc petat. Et si inueniatur per illam inquisitionem, qd' aliquis sit abbettator per malitiā, per breue de Iudicio,

ad

ad sectam appellati, distringatur ad veniendum coram Iustic'. Et si legitimo modo conuictus fuerit de hm̃odi abbetto per malitiam, puniatur per prisonam, & teneatur ad restitutionem damnorũ, sicut superius dictũ est de Appellatore. [Vide anno 1. R. 2. ca. 13.]

Essoine 7. cap. 14.

Nec iaceat de cętero appellatori in appello de morte hominis essoniũ, in quacunq; curia vbi appellũ fuerit terminandum.

Indictments 1. cap. 15.

Quia etiam Vicecom̃ multotiens fingentes aliquos coram eis in Turnis suis indictatos de furtis, & alijs malefactis, capiunt homines non culpabiles, nec legitimo modo indictatos, & eos imprisonant, vt ab eis pecuniã extorqueant, cum legitimo modo per duodecim Iuratores non fuerint indictati: Statutũ est, quod Vic' in Turnis suis, & alibi, cum inquirere habeant de malefactorib' per preceptum Regis, vel ex officio suo, per legales homines ad minus duodecim faciant inquisitiones suas de hm̃odi malefactoribus, qui huiusmodi inquisitionibus sigilla sua apponant, & illos quos per hm̃odi inquisitiones inuenerint culpabiles, capiant & imprisonẽt, secũdum quod alias fieri consueuit. Et si aliquos aliter imprisonauerint, quam per huiusmodi inquisitiones indictatos, habeant huiusmodi imprisonati actionem suam per breue de imprisonamento versus Vicecomitem, sic vt haberent versus quamcunque aliam personam, qui eos imprisonaret sine war-

warranto. Et sicut dictum est de vicecom̃, obseruetur de quolibet balliuo libertatis.

Wast 5. cap. 16.

Cum de vasto facto in hereditate alicuius per custodes, tenentes in dotem, per legem Angliæ, vel aliter ad terminũ vitę, vel annorum, consueuerit fieri breue de prohibitione vasti, per quod breue multi fuerunt in errore, credentes quod illi qui vastum fecerint, non habuerint necesse respondere, nisi tamen de vasto facto post prohibitionem eis directam. Dominus Rex (vt hm̃odi error de cętero tollatur) statuit, quod de vasto quocunque ad nocumentum alicuius facto, non fiat de cętero br̃e de ꝓhibitione, sed br̃e de summonitione, ita ꝙ ille, de quo queritur, respondeat de vasto facto quocunque tempore. Et si post summonitionem non venerit, attachietur, & post attachiamentum distringatur, & post districtionem, si non venerit, mandetur vic', quod in ꝓpria persona, assumptis secum xij. &c. accedat ad locũ vastatum, & inquirat de vasto facto, & retornet inquisitionẽ. Postquã retornata fuerit inquisitio, ꝓcedatur ad iudiciũ, secundũ quod continetur in statuto prius ędito apud Gloc' cap. 5. de vasto, 20. E. 1.

Prochein amy 2. cap. 17.

In omni casu quo minores infra ętatem implacitare possunt: Concessum est, quod si huiusmodi minores elongati sint, quod minus personaliter sequi possint, propinquiores amici admittantur ad sequendum pro eis, Westm̃ 1. cap. 47.

Warde:

Wardes 11. *cap.* 18.

In casu quo alicui minori discendat hereditas ex parte patris, qui tenuit de vno dño, & ex pte matris quæ tenuit de alio domino, dubitatio hucusq; extitit de maritagio huiusmodi minoris, ad quem de duobus dominis pertineat. Concordatũ est, quod ille dominus de cętero habeat maritagium, de quo antecessor suus prius fuit feoffatus, non habito respectu ad sexum, nec ad quantitatem tenementi, sed solummodo ad antiquius feoffamentum per seruicium militare.

Essoine 8. *cap.* 19.

In Itinere Iustic' non admittatur de cętero essonũ de Malo lecti, de tenemento in eodẽ comitatu, nisi ille, qui se facit essoniari, veracitèr sit infirmus, quia si excipiatur à petente, qd' tenens non est infirmus, nec in illo statu quo minus venire potuit coram Iusticiarijs, admittatur eis calumnia. Et si hoc per inquisitionem conuinci poterit, vertatur illud essonium in defaltam. Nec fiat de cętero illud essonium in breue de Recto inter duos clamantes per eundem discensum.

Execution 1. *cap.* 20.

Cùm debitum fuerit recuperatũ, vel in curia Regis recognitũ, vel damna adiudicata, sit de cętero in electione, illius qui sequitur pro hũmodi debiti, aut damnis, sequi bre qd' Vic' fieri faciat, de terris & catallis debitoris, vel q Vic' liberet el omnia catalla debitoris (exceptis bobus & affris carucæ) & medietatem terrę suę, quousque debit fuerit leuat

per

per rationabile preciũ & extenẽ. Et si eijciatur de illo tenemento, habeat recuperare per breue Nouę disseisinę, & postea per breue de Redisseisina, si necesse fuerit.

Ordinaries 1. cap. 21.

Cum post mortem alicuius decedentis intestati, & obligati aliquib' in debito, bona deueniant ad Ordinarium disponendũ, obligetur de cęreto Ordinarius ad respondendũ de debitis quatenus bona defuncti sufficiunt. Eodem modo quo Executores respondere tenerentur, si testamentum fecisset.

Cosinage 1. cap. 22.

Cum Iusticiarij in placito mortis antecessoris consueuerunt admittere responsionem tenentis, quod petens non est ꝓpinquior hęres antecessoris, de cui' morte tenẽs petitur, & hoc paratẽ est per assisam inquirere: Concordatum est, qd' in breuibus de consanguinitate, auo & proauo, quę sunt eiusdẽ naturę, admittatur illa responsio, & inquiratur, & secundũ illã inq̃sitionẽ ad iudiciũ ꝓcedatur.

Cessauit 3. cap. 23.

Cum in statuto ędito apud Gloucestr̃ [ca. 4.] continetur, quod si quis dimiserit terram alicui ad reddendum valorem quartę partis tenementi, vel maioris, habeat ille qui dimisit, vel eius hęres [post quam cessatum fuerit à solutione per biennium] actionem petendi tenẽt̃ sic dimissum in dominico. Eodẽ modo concordatum est; quod si quis detineat dño suo seruitium debitũ & consuetum per biennium, habeat dominus actionem petend' tenẽ

in

in dominico per tale breue: Pręcipe A. quod iuste &c. reddat B. tale tenẽt. q̃ A. de eo tenuit per tale seruitiũ, & qd' ad p̃dictũ B. reuerti debet, eo quod p̃dictus A. in faciend' p̃dictũ seruitiũ per biennũ cessauit, vt dicit. Et non solũ in isto casu, sed in casu de quo fit mentio in p̃dicto statuto Glouc', fiant br̃ia de Ingressu hęredi petenti sup hęredem tenentem, & super eos quibus alienatum fuerit hm̃odi ten.

22 Cum duo vel plures teneant boscũ, turbariam, piscariam, vel alia hm̃odi in cõmuni, absque hoc quod aliquis sciat suum seperale, & aliquis eorũ faciat vastum contra voluntatem alterius, moueatur actio per breue de Vasto. Et habeat defendens, cũ ad iudicium venerit, electionem capiendi partem suam in certo loco per Vic', & per visum & sacrm, ac assignationẽ vicinorũ ad hoc electorũ & iuratorũ, vel quod concedat quod nihil capiat de cetero in hm̃odi bosco, turbaria, & alijs, nisi secũdum qd' participes sui capere voluerint. Et si eligat capere partem suam in certo loco, assignetur ei locus vastatus in suã prem, secundũ qd' fuit antequã vastum fecit. Et est tale breue in hoc casu, scilicet: Cum A. & B. teneant boscũ per indiuisũ, B. fecit vastũ &c.

Executors 1. cap. 24.

Habeãt de cętero Executores br̃e de compoto, & eandẽ actionẽ & p̃cessũ p illud br̃e, quale habuit mortuus, & haberet si vixisset.

Nusans 1. cap. 25.

In casibus in quibus conceditur breue in Cancellaria de facto alicuius, de cętero

non

non recedant querentes à curia Regis sine remedio, pro eo quod reñ transfertur de vno in alium. Et in registro de Cancellaria non est inuentum aliquod breue in isto casu speciale, sicuti de muro, domo, mercato, conceditur breue super eum qui leuauit ad nocumentum. Et si transferatur domus, murus, & his similia, in aliam personam, breue non denegetur, sed de cętero cum in vno casu conceditur breue, in consimili casu simili remedio indigente, sicut prius, fiat breue: Questus est nobis A. qd' B. iniustè &c. leuauit domum, murum, mercatum, & alia quę sunt ad nocumentum liberi tenementi sui. Et si huiusmodi leuata ad nocumentum transferantur in aliam personam, de cętero fiat breue sic: Questus est nobis A. quod B. & C. leuauerunt &c.

Quod permittat I. *cap.* 26.

Eodem modo sicut persona alicuius Ecclesiæ recuperare potest communem pasturam per breue Nouę dissi. Eodem modo de cętero recuperet successor sup disseisitorem, vel eius heredem, per breue, Quod permittat, licet hm̃odi breue prius in Cancellaria non fuerit concessum.

Iuris vtrum I. *cap.* 27.

Eodẽ modo sicut conceditur breue, vtrum aliquod reñ sit libera elemosina alicuius Ecclesię, vel laicũ feodi talis, fiat de cętero bre vtrũ sit libera elemos. talis ecclesię, vel alteri' ecclesię, in casu quo liberã elemosina vni' ecclesię trãsferatur in possess. alteri' ecclesię.

Writ

Writs 1. cap. 28.

Et quotienscunq; de cętero euenerit in Cancellar̃, quod in vno casu reperitur breue, & in consimili casu cadente sub eodem iure, & simili indigẽti remedio non reperitur, cõcordent Clerici de Cancellaria in breui faciendo, vel atterminent q̃rentes in p̃ximum parliamentũ, & scribantur casus in quibus concordare non possunt, & referant eos ad p̃ximum parliamentũ, & de consensu iurisperitorũ fiat breue, ne contingat de cętero quod curia d̃ni Regis deficiat conquerẽtibus in justicia perquirenda.

Assise 5. cap. 29.

Quia non est aliquod breue in Cancellaria, per quod querentes habeant tam festinũ remediũ, sicut per breue Noue disseisine: d̃ns Rex voluntatẽ habens vt celeris fiat justicia, & qd' dilationes in placit communis amputentur & abreuiẽtur, concedit qd' b̃re Assise no. disseisine locũ habeat in pluribus casibus quam prius habuit. Et concedit qd' de estoueriis bosci, proficuo capiend' in bosco, de nucibus, & glandibus, & alijs fructibus colligend', de corrodio, liberatione blad', & aliorũ victualiũ, ac necessariorum in certo loco annuatim recipiend', tolneto, tõnagio, passagio, pontagio, pannagio, & hijs similibus in certis locis capiend', custodijs boscorũ, parcorum, forestarũ, chascarũ, warrennarũ, porcarum, & alijs balliuis, & officiarum de feo d' iacent de cętero Assisa no. disseisi. Et in omnibus supradictis casib' modo consueto fiat

breue de libero tento. Et sicut prius iacuit, & locum habuit in communia pasturę, ita de cętero locum habeat in communia turbarię, piscarię, & alijs communis his similibus, quas quis habet pertinentes ad liberum ten̄, vel etiam sine ten̄ per specialem factum, ad minus ad terminū vitæ. In casu etiam quando quis tenens ad terminū annorum, vel in custod', illud alienat in feod', & per illam alienationem transfertur liberum tenementū in feoffatum, fiat remedium per breue Noue disseis. & habeantur p disseisitoribus tam ille qui feoffat, quam feoffatus, ita quod viuente altero eorum locum habeat prędict' breue. Et si per mortem personar̄ cesset remedium per p̄dict' bre, fiat remediū p bre de Ingressu. Et quamuis superi' fiat mentio de aliquibus casibus de quibus locū non habuit prius bre Noue disseisine, non ppter hoc credet aliquis illud bre non competere, vbi pri' cōpetebat. Et licet dubitauerint qui dā, vtrū in casu quo quis pascat alterius separale, fieri poterit remediū p pręd' bre, teneatur pro certo, qd' in casu illo p p̄d' bre bonū & certū est remediū. Caueant de cętero illi qui nominati sunt disseisitores, qd' nō ꝓponat falsas exceptiones, per quas captio assisę differatur, quādo quod alias transiuit assisa de eodem ten̄ inter eisdem partes, vel dicendo & mentiendo, qd breue de altiori natura pendet inter easdem partes, de eodem ten̄, & super his & consimilibus vocent rotulos, vel recordum ad warrantum, vt per illam vocationem aspectare

possint

possint vesturam, & leuare redditus, & alia proficua ad magnum detrimentũ querentis. Et quia prius aliam pœnam non habuit, qui huiusmodi falsas exceptiones mendaciter proposuit, nisi tantum quod post mendatium suum conuictum, processum fuit ad captionem assise: Dominus Rex, cui odiose sunt huiusmodi false exceptiones, statuit, quod si quis disseisitor nominatus personaliter proponat illam exceptionem ad diem sibi datũ, & defecerit de warrãto quod vocauit, habeatur pro disseisitore absque recognitione assise, & restituat damna pri' inquisita, vel post inquirenda de duplo, & nihilominus pro falsitate sua puniatur per prisonã vnius anni. Et si illa exceptio proponatur per ballium, non propter hoc differatur captio assise, nec iudicium super restitutione tenẽ, & dampnum. Ita tamen, quod si dominus illius balliui, qui absens fuerit, postmodũ veniat coram Iustic' qui assisam ceperint, & offerat verificare per recordum, vel per rotulos, quod assisa alias transiuit de eodem tenẽ inde inter easdẽ partes, vel quod querens alias se retraxit de breui consimili, vel placit pendeat per breue de altiori natur': fiat ei breue de faciendo venire super hoc recordũ. Et cum illud habuerit, & videant Iustic' quod recordum ita ei missum valeret ante iudicium, quod per illud excludetur querens ab actione sua, statim faciant Iustic' scire parti quę recuperauit, quod sit ad certum diem, ad quem habeat defendere seisinam suam, & damna si

quę prius soluit per primum iudicium, simul cum damnis quę habuit post primum iudicium redditum, quę ei restituatur in duplo, sicut supradictum est: & nihilominus puniatur ille qui primo recuperauit, per prisonam secundum discretionem Iusticiariorum. Eodem modo si defendens contra quem transuit assisa, in suę absentia ostendat chartas, vel quietclam, super quarũ confectione non fuerunt Iurat examinat, nec examinari poterunt, pro eo qd de eis non fiebat mentio in placitand', & probabiliter ignorare poterunt confectionem huiusmodi scriptorum: Iustic' visis scripcis illis faciant scire parti que recuperauit, qd sit ad certum diem coram eis, & venire fac' Iurat eiusdem assisę. Et si per ve redictum Iuratorum, vel forte per irrotulamentum scripta illa verificauerint, puniatur ille, qui assisam impetrauit contra factum suum per poenam supradictam. Nec capiat Vic' de cętero bouem à disseisito, sed à disseisitore tamen. Et si plures sint disseisitores in vno breue nominat, nihilominus de vno boue sit contentus: nec exigat bouem nisi de precio v. s. vel precium.

Redisseisin 3. cap. 30.

In brevibus de Redisseisina adiudicetur de cetera damna in duplo: & redisseisitores de cętero irreplegiabiles per cõmune brẽ. Et sicut in statut de Merton [ca 8.], pultũ fuit illud brẽ de his qui disseisit fuerunt postquã recuperauerunt p assisam no. disseisine, mortis antecessoris, aut pulsus iuratas: Vicerius de cetero habeat

P. Nat. bre. fol. 124. a.

habeat illud breue locum in illis qui recuperauerint p defaltã, redditionẽ, aut alio modo sine recognitione assisarũ vel iuratorum.

Essoine 9. cap. 31.

Postquã aliquis imposuerit se in inquisitionem aliquã ad primũ diem, allocetur ei essonium, sed ad alios dies sequentes per essonũ non differatur captio inquisitionis, siue prius habuit essoniũ siue non. Nec admittatur essoniũ post diem dat̃ de prece partium in casu in quo partes consentiunt venire sine essonio.

Essoine 10. cap. 32.

Cum per statutum Westm̃ primer cap. 41. statuatur, quod postquam tenentes semel comparuerint in curia, non allocetur eis essoniũ in brevibus assisarum: Eodem modo de cętero obseruetur de petentibus.

Oyer & terminer 1. cap. 33.

Breue de transgr̃ ad audiendum & terminandum, de cętero non concedatur coram aliquibus Iustic̃ excepto Iustic̃ de vtroque banco, & Iustic̃ itinerant, nisi pro enormi transgr̃ vbi necesse est apponere festinum remedium, et dominus Rex de gratia sua speciali hoc duxit concedend̃. Nec etiam de cętero concedatur breue ad audiendum & terminandum appella coram Iustic̃ assigñ, nisi in speciali casu, & certa causa cum dominus Rex hoc preceperit. Sed hi huiusmodi appellati, vel indictati diu detineantur in prisona, habeant breue de Odio & atia, sicut in Magna Charta cap. 26. & alijs sta-

tutis dictum est. [W.1.cap.11.Glocʼ ca.9.]

Nisiprius 1. cap. 34.

Assignentur de cętero duo Iustic' iurati, coram quibus, & non alijs capiantur Assisę no. disseisine, mortis antecessoris, & attinctę, & associent sibi duos vel vnũ de discretioribus Militib' cõm in quẽ venerint, & capiant assisas prędicʼ, & attinctas, ad plus ter p annum, viz. semel inĩ quindenam S. Iohis Bapt, & gulam Augusti, & iterũ inter festũ Exaltationis S. Crucis, & Octab. Sancti Michaelis, & tertio inter festũ Epiphani, & festũ Purificationis beatæ Mariæ. Et in quolibet comitatu ad quamlibet captionem assisę, antequã recedant, statuãt diem de redditu suo, ita qd omnes de cõm scire possint eorum aduentũ, & de ĩmino in terminũ adiournent Assisas.

Si per vocationem warranti, per essoñ, vel per defectum recognitorum, ad vnum diem captio earundem differatur. Et si aliqua causa viderint quod vtile sit, quod assisę mortis antecessoris per essoñ, vel vocationem warranti respectuatẽ adiournent in banco, licet eis hoc facere, & tunc mittant Iustic' de bãco recordum, cum breui originali. Et cum loquela peruenerit ad captionem assisę, remittatur loquela cum breui originali per Iustic' de banco, ad priores Iustic' coram quibus capiat assisa. Sed de cętero dent Iustic' de banco in huiusmodi assisis ad minus quatuor dies per annum, coram prędicĩ Iustic' assignã, vt parceant laboribus & expensis. Attaminentur inquisitiones capiend' transgã placi

cit̃ coram Iustic' de vtroque banco, nisi ita enormis sit transgr̃, quod magna indigeat examinatione. Atterminentur etiam inquisitiones coram eis de alijs placitis in vtroque banco, in quibus facilis examinatio, vt quando dedicit ingressus, vel seisina alicuius, vel in casu quando de vno articulo fit inquirend'. Sed inquisitiones de grossis & pluribus articulis, quę magna indigeant examinatione, capiantur coram Iusticiar' de bancis, nisi ambę partes petant, quod inquisitio capiatur coram aliquibus de societate, cum in partes illas venerint, quod de cętero non fiat nisi per duos Iusticiarios vel vnum, cum aliquo milite de com̃, in quem partes consentiunt. Nec atterminentur huiusmodi inquisitiones coram aliquibus Iusticiarijs de banco, nisi statuat̃ certus dies & locus in com̃ in pręsenti partium, & dies & locus inferantur in breui de iudicio per hęc verba, Precipimus tibi quod venire fac' coram Iusticiarijs nostris apud Westminster in octab' S. Michaelis, nisi talis & talis die & loco ad partes illas venerint, xij. &c. Et cum huiusmodi inquisitiones capte fuerint, retornentur in bancis, & ibi fiat iudicium, & irrotulentur. Et si omissa forma predict' aliquæ inquisitiones capiantur, pro nullis habeantur, excepto quod Assise vltime pręsentationis, & inquisitiones super Quare imped' atterminentur in ꝓprio com̃ coram vno Iusticiar̃ de banco, & vno Milite, ad certos tamen diem & locum in banco statutos,

& siue defendens consentiat, siue non: & ibi statim reddat̃ iudicium, [vide 12. E. 2. stat̃ Eborum ca. 3.] Habeant de cętero omnes Iustic' de bancis in itineribus clericos irrotulantes omnia placita corã eis placitat̃, sicut antiquitus habere consueuerunt. Item ordinatũ est, quod Iusticiarij ad assisas capiendas assignat̃ non compellant Iuratos dicere precisẽ, si sit disseisina vel non, dummodo dicere voluerint veritatem facti, & petere auxilium Iustic'. Sed si sponte velint dicere, quod disseisina est, vel non, admittatur eorũ veredictũ sub suo periculo. Et de cętero non ponant Iustic' in assisis aut iuratis, aliquos iurat̃, nisi eos qui ad hoc prius fuerunt sum̃. [de sinibus Ieuatis 17. E. 1. cap. 4.]

Exception 1. cap. 35.

Cum aliquis implacitat̃ coram aliquibus Iustic' pponat exceptionem, & petat quod Iustic' eam allocent quam si allocare noluerint, & ille qui exceptionem ppposuerit, scribat illam exceptionem, & petat quod Iustic' sigillum suũ apponat in testimonio, Iusticiarij apponant sigilla sua. Et si vn' apponer̃ noluerit, apponat alius de societate. Et si fuerit ad ćremoniã de facto Iusticiariorum venire fac', dominus Rex recordum coram eo, & si illa exceptio non inueniatur in rotulo, & ćrens ostendat exceptionem scriptam sub sigillo Iustic' appenso, mandetur Iusticiario, quod sit ad certum diem ad cognoscendum sigillum suum, vel ad dedicendum. Et si Iustic' sigillum suũ dedicere non possit, procedatur

datur ad iudicium secundũ illam exceptionem, prout admittend' esset vel cassand'.

Mortmaine 2. cap. 36.

Cum viri Religiosi, & alię personę Ecclesiasticæ implacitent aliquem, & implacitatus fecerit defaltam, ob quam tenementũ amittere debeat, quia Iustic' hucusque tenuerunt, quod si implacitatus fecerit defaltã p collusionẽ, vt cũ petens occasione statuti [de Religiosis anno 7. Ed. 1.] per titulum doni, vel alterius alienationis, seisinam de tenemento consequi non possit, per illã defaltam consequeretur, & sic fieret fraus statuto: Ordinatum est per dominũ Regem, & concessum in hoc casu, quod postq̃ defalta facta fuerit, inquiratur per patriam, utrũ petens habeat ius in sua petitione vel non. Et si compertũ fuerit, quod petens ius habuerit, procedatur ad iudiciũ p petente, & re cuperet seisinã suam. Et si ius non habuerit, incurratur tenẽ p primo domino feodi, si illud petat infra annũ a tempore inquisitionis capte. Et si infra annum non petat, superiori domino incurratur si petat infra dimidium annum post illũ annum. Et sic habeat quilibet dominus post proximum dominũ, spacium dimidij anni ad petendum successiuè, quousquè perueniatur ad Regem, cui ad vltimum pro defectu aliorum dominorum tenementum incurratur. Et ad calumpniandum Iuratores inquisitionis, admittantur quicunque capitales domini feodorum, & similiter pro Rege qui calumniare voluerint. Et remaneat terra, postq̃ iudicium

datum

datum fuerit in manu domini Regis quousq; tenẽ per petentem, vel per aliquem capitalem dominum distrationetur, & onereetur Vic' ad respondend' inde ad scaccarium.

Crosses 1. cap. 37.

Quia multi tenentes erigunt cruces in tenementis suis, aut erigi permittunt, in prejudicium dominorum suorũ, vt tenentes per priuilegium Templariorũ & Hospitaliorum tueri se possent contra capitales dños feodorum: Statutum est, quod huiusmodi tenẽ capitalibus dñis, aut Regi incurrantur. Eodem modo quo statuit alibi de tenemenẽ alienat ad manũ mortuam. [De Religiosis 7. E. 1.

Rape 2. cap. 38.

Puruieu est, que si home rauist feme espouse, damesell', ou auter feme desormes, per la ou el ne soit assentus, ne auant, ne apres, eyt iudgement de vie & de membre. Et ensement per la ou home rauist feme, dame espouse, damsell', ou auter feme a force, tout soit q̃ el soy assent apres, eit tiel iudgement come deuant est dit, sil soit attaint a le suit le Roy, & eit le Roy la suit. De Mulier̃ abductis cum bonis virorũ suorũ, habeat Rex secũ de bonis sic asportatis. Et si vxor sponte reliquerit virum suũ, & abierit, & moretur cum adulterio suo, amittat in perpetuum actionẽ petẽdi dotem suam, quę ei competere posset de tenẽ viri sui, si super hoc conuincatur, nisi vir sua sponte, & absq̃ue cohertione Ecclesiastica eam reconciliet, & secum cohabitare permittat, in quo casu restituatur ei actio.

Elopement Perkins 354.

Qui

Qui monialē a domo sua abducat, licet monialis consenciat, puniatur per prisonā triennium integrum, & satisfaciat domui a qua abducta fuerit, comperent: [&] nihilominus redimatur ad voluntatem Regis.

Wardes 12. cap. 39.

De pueris masculis, siue femellis, (quorum maritagium ad aliquem pertineat) raptis & abductis, si ille qui rapuit non habens ius in maritagio, licet postmodū restituat puerum non maritatū, vel de maritagio satisfecerit, puniatur tamen pro transgress per prisonam duorū annorū. Et si non restituerit, vel heredem post annos nubiles maritauerit, & de maritagio satisfacere non potuerit, abiuret regnum, vel habeat perpetuam prisonam. Et sic hoc habeat querens tale breue: Si A. fecerit te securum &c. tunc pone per vad' &c. B. quod sit coram Iusticiarijs nr̃is &c. ostens. quare talē heredē infra etatem existentem, cuius maritagiū ad ipsū A. pertinet, apud C. inuentum, tali loco rapuit & abduxit, contra voluntatē ipsius A. et contra pacem &c. Et si heres sit in eodē comitatu tunc addatur ista clausula. Et diligēter inquiras vbi ille hæres sit in ballliua tua, & ipsū vbicunq; inuētū fueritcapias, & saluo & secure custodias, ita qd' eum habeas corā prefatis Iusticiarijs nr̃is ad ꝓfatū terminū, ad reddēdū cui ꝑdictorū A. & B. reddi debeat. Et fiat secta versus partē de qua queritur, quousq; ꝑ districtionē venerit, si habeat p q̃ distringi poterit, vel ꝑ cōtumatiā (si non sit iusticiabilis) exigatur, & vtlagetur.

F. Nat. bre. fol. 139. i.

Si

Si fortè huiusmodi hęres ducatur, & transferatur in alium comitatũ, tunc Vic' illi' comitat' fiat tale br̃e sub hac forma: Questus est nobis A. quod B. nuper talẽ hęredem infra ętatẽ, & in custodia sua existen', tali loco in comitatu tali, rapuit, & de comitatu illo ad talẽ locũ in com̃ tuo abduxit, contra voluntatem ipsius A. & contra pacem &c. Et ideo tibi p̃cipimus, quod p̃dictũ hęredẽ, vbicunque eum in ballina tua inuenire poteris, capias, & saluo & secure eum custodias, ita quod eum habeas coram Iusticiarijs nostris &c. tali loco & die, quem diem idẽ A. habet versus p̃dictũ B. ad reddend' cui de iure reddi debeat. Et si hęres antequam inueniri poterit, vel antequã restituatur querẽti, obierit, nihilominus ꝓcedat placitũ inter eos, quousq; terminetur, cui restitui deberet, si superstes fuisset. Nec excusabitur aut alleuiabitur ille, qui iniustè rapuit hm̃odi hęred' de pena supradicta p̃ mortẽ hęred', cuius extitit male fidei possessor dum vixit. Et si querens obierit ante placitũ terminatur, si ius ei comperebat ratione ꝓprij feodi sui, resummoneatur loquela ad sectam hęred' querentis, & ꝓcedat placitũ debito ordin̄. Si vero per aliũ titulum competat ei ius, sicut titulo donationis, venditionis, aut alio hm̃odi titulo, tunc resummoneatur loq̃la ad sectã executorũ querentis, & procedat placitũ vt p̃dictũ est. Eodem modo si moriatur pars defendens antequam placit̃ terminetur, vel hęres restituatur, ꝓcedat placitũ per resumm̃ inter querentem, vel

eius

eius heredem, seu executores, & executores defendentis, vel eius heredes, si executores non sufficiant, quo ad satisfactionē de valore maritagij, secundū quod in alijs statutis continetur, sed non quo ad pœnam prisonę, quia quis pro alieno facto non est puniēdus. Eodē modo cum pendeat placitum inter partes de custodia terrę, vel heredis, vel vtriusque per commune breue, quod incipit: Pręcipe tali &c. quod reddat &c. fiat resummonitio inter heredes & executores querentis, & similiter heredes aut executores defendentis, si mors alteram partē preueniat ante placitū terminatū. Et cum perueniatur ad magnā diffrictionem, detur terminus infra quem tres comiteneantur ad minus, in quorū quolibet comitatu fiat publica pclamatio qd' deforciator veniat ad bancum, ad diē in breui contentū, responsurus querenti. Ad quem diem si non venerit, & proclamatio sic semel, secundo, & tertio testificatū fuerit, pcedatur ad iudiciū pro querente: saluo iure defendentis, & postmodum inde loqui voluerit. Eodem modo fiat in breui de transgress. cum quis queritur, se eiectum fuisse de huiusmodi custodijs.

Procurements 1. cap. 40.

Quia dñi curiar, & alij qui curiam tenent, & Senescalli, vel ētes grauare subditos suos, cum non habeant legalē viam eos grauandi, procurant alios mouere querelas versus eos, & dare vadium, & offerre plegios, vel impetrare breuia, & ad sectas hmodi querentium compellunt eos sequi comitatū, hundredum, wapen-

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eius heredem, seu executores, & executores defendentis, vel eius heredes, si executores non sufficiant, quo ad satisfactionē de valore maritagij, secundū quod in alijs statutis continetur, sed non quo ad pœnam prisonę, quia quis pro alieno facto non est punīdus. Eodē modo cum pendeat placitum inter partes de custodia terrę, vel heredis, vel vtriusque per commune breue, quod incipit: Pręcipe tali &c. quod reddat &c. fiat resummonitio inter heredes & executores querentis, & similiter heredes aut executores defendentis, si mors alteram partē preueniat ante placitū terminatū. Et cum peruenitur ad magnā districtionem, detur terminus infra quem tres comitatus teneantur ad minus, in quorū quolibet comitatu fiat publica pclamatio qd' deforciator veniat ad bancum, ad diē in breui contentū, responsurus querenti. Ad quem diem si non venerit, & proclamatio sic semel, secundo, & tertio testificatū fuerit, pcedatur ad iudiciū pro querente: saluo iure defendentis, si postmodum inde loqui voluerit. Eodem modo fiat in breui de transgress. cum quis queritur, se electum fuisse de huiusmodi custodijs.

Procurements 1. cap. 40.

Quia dñi curiar̃, & alij qui curiam tenent, & Senescalli, vel ētes grauare subditos suos, cum non habeant legalē vlam eos grauandi, procurant alios mouere querelas versus eos, & dare vadium, & offerre plegios, vel impetrare breuia, & ad sectas hmodi querentium compellunt eos sequi comitatū, hundredum,

wapen-

wapentagium, & cur, quousque finem fecerint cum ipsis pro voluntate sua: Statutum est, quod hoc de cętero non fiat. Et si aliquis per huiusmodi falsas querimonias fuerit attachiatus, replegiet distrionẽ suam sic captam, & poni fac' loquelam coram Iusticiarijs, coram quibus si Vicecomes, vel alius balliuus, vel dominus, postquam sit districtus formauerit querimoniam suam, aduocauerit iustam districtionem ratione huiusmodi querimoniarum coram eis factarum, & replicef, quod huiusmodi querimonię mouebantur versus eos maliciosè, ad instantiam seu procurationem Vic', aut aliorum balliuorum, aut dominorum, admittatur illa replicatio. Et si super hoc conuicti fuerint, versus dominũ Regem redimantur, & nihilominus huiusmodi sic grauatis, damna in triplo restituantur.

Distresses 7. cap. 41.

Quia etiam Balliui, ad quos ex officio pertinet, districtiones facere, granare volentes subditos suos, vt ab eis pecuniam extorqueant, mittunt ignotos ad faciend' districtiones, ea intentione, vt subditos grauare possunt, per hoc quod sic districti non habentes notitiam personarum non permittunt huiusmodi districtiones super eos fieri: Statutum est, quod nulla districtio fiat nisi per balliuos notos & iuratos. Et si alio modo districtiones fecerint, & de hoc conuicti fuerint, si grauati, breue de transgress. impetrauerint, restituant grauatis damna [alias in triplo] & versus Regem grauiter puniantur.

Iurors 2. cap. 42.

Quia etiam Vic', Hundredarij, & Balliui libertatum, consueuerunt grauare subditos suos, ponendo in Assisis & iuratis homines languidos, & decrepitos, perpetua vel temporali infirmitate languẽtes, homines etiam tẽpore summonitionꝭ suę in patria non commorantes, summonendo etiam effrenatam multitudinem iuratorũ, ita vt à quibusdã eos in pace dimittendo pecuniã extorqueant, & sunt assisę & iuratę multociens per pauperiores, diuitibus pro suo dando, domi commorantibus: Statutũ est, quod de cętero non sũmoneantur in vna assisa plures quam xxiiij. Senes etiam videlicet vltra 70. annos, perpetuo languidi, vel tempore summonitionis infirmi, vel in patria non commorantes, non ponantur in Iuratis, vel minorib' assisis. Nec etiam ponantur in Assisis vel iuratis, licet in ꝓprio comitatu capi debeant aliqui qui minus tenẽ habeant, quam ad valentiam viginti solidorũ per annum. Et si hm̃odi assisę & iurati, extra comitatum capi debeant, non ponantur in eis aliqui qui minus tenemẽtũ non habeant, quam ad valentiã xl.s'. per annum, illis exceptꝭ qui testes sunt in chartis, vel alijs scriptis, quorum pręsentia necessaria est, dum tamen potentes sunt ad laborandum. Nec debet istud statutum extendi ad magnas Assisas, in quibus oportet aliquãdo ponere Milites in patria non residẽtes, ꝓpter paucitatẽ Militũ, dum tamen tẽũtũ habeant in comit. Et si Vic' vel subballiui sui, vel ball' libertatũ,

contra

contra istud statutũ in aliquo articulo venerint, & super hoc contineantur, restituant dampna grauaria, & nihilominus sint in misericordia dñi Regis. Et habeant Iusticiarij ad assisas capiend' assigũ, cum in com̃ venerint, potestatem audiendi queremonias singulorũ conquerentium, quo ad articulos in isto statuto contentos, et iusticiam in forma prędicta exhibend'. [21. E. 1. de Ponendis in Assisis.

Retorne of Shirifes 1. cap. 43.

Quia Iusticiarij (ad quorum officiũ spectat vnicuique coram eis placitanti iusticiam exhibere) frequentius impediuntur, quo minus officium suum debito modo exequi possint, per hoc quod Vic' breuia originalia & iudicialia non retornant, per hoc etiam quod ad breuia dñi Regis falsum retornant respõsum. Prouidit dominus Rex & ordinauit, quod illi qui timent malitiam Vic', liberent breuia sua originalia & iudicialia in pleno com̃, vel [in retro com̃, vbi fit collatio denariorũ dñi Regis, & capiatur billettum de Vic' presente, vel Subuic', in quo billetto contineantur nomina petentium & tenentiũ in bri nominat, & ad requisitionem illi' qui breue liberauit, apponat billetto sigillum Vic' vel Subuic' in testim̃, & fiat mẽtio de die liberationis breuis. Et si Vicecomes vel Subuicecomes hmõdi billetto sigillũ suũ apponere noluerit, capiantur testimoniũ Militũ, & aliorũ fide dignorũ qui ꝓsentes fuerint, q̃ sigill' sua hmõdi billetto apponant. Et si Vic' breuia sibi liberata non

retorna-

tõnauerit, & super hoc ad iusticiarios peruẽniat querimonia, mandet per breue de iudicio, Iustic' ad assisas capiendas assigñ, quod inquirent per eos qui presentes fuerint quando breue vic' libertatum fuit, si sciuerint de illa deliberatione, & inquisitio returnetur. Et si cõpertum fuerit per inquisitionẽ, quod breue fuit ei liberat, adiudicentur querenti vel petenti damna, habito respectu ad qualitatem & quantitatem actionis, & ad perticulum qd̃ ei euenire posset, p dilationem quam patiebatur. [Anno 2. E. 3. ca. 5. apud Not.] Et per istam vitam fiat remedium quando vic' respondet, quod breue adeo tarde venit, quod preceptum regis exequi non potuit. Multotiens etiam capiunt placita dilationes p hoc quod vic' respondet, quod precepit balliuis alicuius libertatis, qui nihil inde fecerint, & nominet libertates, que nunquam retornum breuium habuerunt. Propter quod, ordinauit dominus Rex quod Thesaurus & Barõñ de Scaccario liberent Iusticiat in rotulo omnes libertates in quibuscunque cõm qui habent retornum breuium. Et si vic' respõdet quod mandauit balliuo alterius libertatis, quam alicuius contente in prædict' rotulo, statim puniatur vic' tanquam exhæredator regis & coronæ suæ. Et si forte respondeat quod mandauit balliuo alicuius libertatis, que veracit retornũ habet [qui nihil inde fecit] mandet vic' qd̃ non omittat propter aliqua liberatẽ pd̃, quin exequatur preceptũ dñi regis, & q̃ scire faciat balliuis, quib' fecit returñ

quod sint ad diem in breue contentũ ad respondendũ, quare de precepto dñi Regis executionẽ non fecerint. Et si ad diem venerint, & se acquietent, quod returnum breuis non fuit eis factum, statim condemnetur vic' dño illius libertatis, & similiter parti læse per dilationẽ in restitutionem damnorum. Et si ad diem non venerint ballini, vel venerint, & supradicto modo se nõ acquietauerint, in quolibet breui de iudicio, quam diu durat placitũ, precipiatur vicecomiti quod non omittat propter libertatem &c. Multociens etiã vic' falsum dant responsum, quo ad illum articulum quod de exitib̃ &c. Mandantes aliquãdo & mentientes, quod nulli sunt exitus, aliquando ꝙ parui sunt exitus, cũ de maioribus respondere possint, aliquando non facientes mentionem de exitibus. Propter quod ordinatũ est & concordatum, ꝙ si querens petat auditum respõsionis vicecom̃, concedatur ei. Et si offerat verificare, quod vicecom̃ de maioribus exitibus regi respondere potuit, fiat ei breue de iudicio ad Iustic' ad assisas capiendas assignatos quod inquirant in presentia vicecomitis, si interesse voluerit, de quibus & quantis exit respõdere potuit a die impetrationis breuis vsque ad diem in breui contentum [al' receptionis vide P.27.H.8.ca.10.f. 3. & P20.H.6.ca. 10.fo.25.] & cum inquisitio retornata fuerit, si de pleno prius non respõderit, oneretur de superplusagio p extractas Iustic' liberatas ad scaccarium, & nihilominus grauiter amercietur pro concelamento.

Et

Et sciat vic' q̃ redditus, blada in grangia, & omnia mobilia, pręt equitaturam, indumẽta, & vtensilia domus continentur sub nomine exituum.

Et pręcepit dñs Rex, q̃ vic' p̃ huiusmodi falsis responsionibus semel & iterũ (si sit necesse) p̃ Iustic' castigentur. Et si tertio deliquerint, alius nõ apponẽ manũ quã dñs rex. Multotiens etiã falsũ dant responsũ, mandando q̃ non potuerunt [exequi] preceptũ regis ꝓpter resistentiã potestatis alicui' magnatis, de quo caueat vic' de cetero, quia hm̃di responsio multũ redundat in dedecus dñi regis & coronæ suæ.

Et quam cito subballiui sui testificentur, q̃ inuenerunt huiusmodi resistentiam, statim (omnibus omissis) assumpto secũ posse cõm̃ sui, eat in ꝓpria p̃sona sua, ad faciend' executionem.

Et si inueniat subballiuos mẽdaces, puniat eos p̃ prisonã, ita q̃ alij p̃ eorũ pœnam castigentur.

Et si inueniat eos veraces, castiget resistentes p̃ prisonam, a qua non deliberentur sine speciali pręcepto domni regis. Et si forte vic' cum venerit, resistẽtiam inuenerit, certificet cur̃ de nomminibus resistentium, auxiliantiũ, consentientium, pręcipientium & fautorum, & per breue de iudicio attachient huiusmodi per corpora, ad veniendũ ad cur̃ Regis. Et si de hm̃di resistentia conuincantur, puniantur secundũ quod dño regi placuerit. Nec intromittat se aliquis minister dñi Regis de pœna

huiusmodi infligenda, quia domin' rex hoc sibi special' reseruat, pro eo quod hmdi resistentes censentur pacis sue & regni pturbatores[13.E.1. de Mercatoribus, Articuli sup cartas cap.16.

Age 4. cap.44.

Cum quis alienat ius vxoris suæ, concordat' est quod de cetero secta mulieris, aut eius heredes non differatur post obitum viri p minorem etatem heredis, qui warrantizare debet, sz. expectet emptor (qui ignorare non debuit quod ius alienum emit) vsque ad etatem warranti sui, de warrantia sua habenda.

Centra formam collationis 1. cap. 45.

Statuit Dns Rex quod si Abbates, Priores, custodes hospitalium, & altarum domorum Religiosarũ fundatarum ab ipso, vel a progenitoribus suis alienauerint de cetero ten domibus ipsis ab ipso vel a progenitoribus suis collata, ten ill' in manũ dni regis cupiantur, & ad voluntatã suam teneantur, & emptor amittat suum recuperare, tam de ten quã de pecunia, quã paiauit. Si autẽ domus illa a com, baron, vel ab alijs fundat' fuerit, de ten sic alienat' hẽat ille a quo vel a cuius antecessore ten sic alienat' collatũ fuerit, breue ad recuperãd' ten illud in dominico, quod tale est: Pręcipe tali Abbati, quod iustè &c. reddat B. tale ten qd eidem domui colatũ fuit in liberã elemosinã per præd' B. vel antecessores suos, & quod ad dict' B. reuerti debet per alenationem, quam prędict' Abbas fecit de prędicto ten

ten̄ contra formam collationis præd', vt dic'. Eodem modo de ten̄ dat̄ pro Cantaria [Iustinenda] vel luminari in aliqua Ecclesia vel Capella, vel alia elemosina sustētanda, sic ten̄ sic dat̄ alienetur. Et si fortè ten̄ sic dat̄ p cantaria, luminari, pastu pauperum, vel alia elemosina sustentanda vel faciend', non fuerit alienat̄, sed subtracta fuerit hm̃odi elemosina per biennium, competat actio donatori aut eius hęredi ad petendū ten̄ sic datum in dominico, sicut statutū est in statuto Glocestr̄, de ten̄t̄ dimissis ad faciendū vel reddendum quartam partem valoris ten̄ti, vel maiorem. Glocester cap. 4.

Fees 1. cap. 46.

De Marescallis domini Regis de feodo, Camerarijs, custodibus hostiorum in itinere Iustic', & seruientibus virgam portantibus coram Iustic' apud Westm̃, qui officium illud habeant de feodo, & qui plus exigunt ratione feodi sui quam exigere consueuerunt, secundum quod multi queruntur super eos qui statut̄ cur̄ à multo tempore viderunt & sciunt, dominus Rex inquiri fecit, quem statut̄ prędict' ministri de feodo habere consueuerunt temporibus retroactis, & per inquisitionem statuit & pręcepit, quod Marescallus de feodo qui de nouo exigit palfridū de Comitatibus, Baron̄, & alijs per partem baronię tenent̄, quando homagiū fecerint, & nihilominus ad malitiam eorū alium palfridum, & de quibusdam (de quibus palfridum habere non debuit) palefridum de

nouo exigunt, ordinauit quod prędictus Marescallus de quolibet comite & barone (integram baroniam tenente,) de vno palfrido sit contentus, vel de precio quale antiquitus percipere consueuit, ita quod si ad homagium, quod fecit, palfridum vel precium in forma prædicta ceperit, ad militiam suam nihil capiat.

Et si fortè ad homagium nihil ceperit, ad militiam suam capiat. De Abbatibus & Prioribus integram baroniam tenentibus, cum homagium aut fidelitatem pro baronijs suis fecerint, capiat palfridum vel precium, vt prædictum est.

Hoc idem de Archiepiscopis, & Episcopis obseruand' est. De his autem qui partem baronię tenent, siue sint religiosi, siue seculares, capiat secundum portionem partis baronię, quam tenent. De Religiosis tenent in liberam elemosinam, & non per baroniam, vel partē baronię, nihil de cętero exigat Marescallus.

Et concessit dominus Rex, quod per hoc statutū non pręcludatur Marescallus suus de feodo in plus petendo, si imposterum ostendere poterit, quod ius habeat plus petendi.

Camerarij domini Regis habeant de cętero de Archiepiscopis, Episcopis, Abbatibus, Priorib', & alijs personis ecclesiasticis, Com̃, Baron̄, integram baroniam tenent̄, rationabilem finē cum homagiū aut fidelitatem p baronijs suis fecerint. Et si per partem baronię teneant, capiant rationabilem finem secundum portionem ipsis contingentem. Alij

vero

vero abbates, priores, religiosi, & seculares non tenentes per baroniam, vel partem baronia, non distringãtur ad finem faciend', secundum quod de tenentibus per baroniam vel partem baronie dictum est, sed sit Camerarius de superiori indumento contentus, vel de precio indumenti: quod plus honestè dictum est pro Religiosis quam secularibus, quia honestius est, quod Religiosi paiant pro superiori indumento, quam exuant.

Citation 1. cap. 47.

Prohibeatur de cętero Hospitularijs & Templarijs, nec de cętero trahant aliquem in placitum coram conseruatoribus priuilegiorum suorum de aliqua re, cuius cognitio spectat ad forum Regium: Quod si fecerint, prima restituant damna parti grauatę, & versus dominũ Regem grauiter puniantur. Prohibet etiam dñs Rex conseruatoribus priuilegiorum eorundem, ne de cętero (ad instantiam Hospitulariorum, Templariorum, aut aliorum priuilegiatorum) concedant Citationes, priusquam exprimat super qua re fieri debeat citatio. Et si viderint [hujusmodi] conseruatores, quod petatur citatio de aliqua re, cuius cognitio spectat ad forum Regium, hm̃odi conseruatores, nec citationem faciant, nec cognoscant. Et si aliter fecerint conseruatores, respondeant parti læsę de damnis, & nihilominus versus dominũ Regẽ grauiũ puniant. Et quia hm̃odi priuilegiat impetrant cõseruatores, subpriores, p̃ntatoꝝ sacristas, religiosos, q̃ nihil hẽnt vnde lesis aut

domino Regi satisfacere possint, qui audatiores sint ad ledend' dignitatem dñi Regis quam eorum superiores, quibus per eorum temporalia pœna potest infligi: Caueant de cętero Prelati hmodi obedientiarioum, ne permittant obedientiarios suos assumẽ sibi iurisdictionem in preiudiciũ dñi Regis & coronę suæ. Quod si fecerint, pro facto ipsorũ respondeant sui superiores, ac si de proprio facto suo conuicti essent.

Fees 2. cap. 48.

De custodibus hostiorum in itineribus virgam portantib' coram Iustic' de banco: Ordinatum est, quod de qualibet Assisa & iurata quam custodiunt, capiant decẽ denarios tm̃, de Chirographis nihil. De his qui recuperãt demandas suas versus plures per defaltam, redditionẽ, vel alio modo per iudiciũ sine assisa, vel iurat, nihil. De his qui recedunt sine die per defaltã petentis vel querentis, nihil capiant. Et si quis recuperauerit demandam suam versus plures per vnũ breue, & per recognitionem assisę vel iurat, de quatuor denarijs sint contenti. Et similiter si plures in vno breui nominati per recognitionẽ assisę vel iuratę recuperauerint demãdam, de quatuor denarijs sint contenti. De his qui faciũt homagium in banco, de superiori panno sint contenti. De magnis Assisis, attinctis, iuratis, & duello percusso xij. d'. tantũ capiant. De his qui vocati sunt coram Iustic' ad sequend', vel defendend' placitum suum, nihil capiant pro egressu vel ingressu. Ad placita Coronæ de

qualibet

qualibet duodena xij. d'. tantum capiantur. De quolibet prisonario de liberato iiij. d'. tantũ capiantur. De quolibet cuius pax proclamata fuerit j. d'. tantum capiatur. De inuentoribus occisorũ, & alijs attachiatis vill', iiij. d'. De decennarijs hominibus alijs, de quatuor hominibus & ꝓposito ac denarijs nihil [nihil] capiatur. De Cirographijs pro Cirographo faciendo statutum est, quod de quatuor solidis sint contẽti. De Clericis subscribentibus breuia originalia & iudicialia statutum est: quod pro vno breui de vno denario sint contenti. Et iniungit dñs Rex omnibus & singulis Iusticiarijs suis in fide & sacramẽto quibus ei tenentur, qd' si hm̃odi ministri contra p̃dict' statutũ in aliquo articulo venerint, & queremonia ad eos pertineat, pœnam eis infligant rationabilem. Et si iterũ deliquerint maiorẽ pœnam eis infligant, qui castigari merito debeant. Et si tertio deliquerint, & sup̃ hoc conuicti fuerint, si sint ministri de feodo amittant feodum suum, & si alij sint, amittant curiam Regis, nec redeant sine ipsius Regis speciali pręcepto aut gratia.

Execution 2. cap. 49.

Quia de his quę recordata sunt corã Cancellario dñi Regis, & eius Iustic' qui recordũ habent, & in eorum rotulis irrotulatur, non debet fieri processus placiti per summonitionem, attachiamenti, essonium visus terrę, & alij solemnitates curię, sicut fieri consueuit de contractibus & conuentionib' factis extra curiam: Obseruandũ est de cętero, ꝙ ea

quæ

quæ inueniuntur irrotulat̃ coram his, qui recordũ habent, vel in finibus content̃ siue sint contractus, siue conuentiones, siue obligationes, siue seruitia, aut consuetudines, recognita, siue aliqua quecunque irrotulata, quibus curia dñi Regis (sine iuris & consuetudinis offenso) authoritatẽ prestare potest, talẽ de cętero habeant vigorẽ qd' non sit necesse in posterũ de his placitare, sed cũ venerit conquerens ad curiã dñi Regis, si recens sit cognitio, vel finis leuat̃, vz. infra annũ, statim habeat breue de executione illius recognitionis factæ. Et si fortè à maiori tempore transacto facta fuerit illa recognitio, vel finis leuatus, precipiatur vicecom̃ quod scire faciat parti, de qua fit queremonia, qd' sit ad certũ diem coram Instic', ostendens (si quid sciat dicere) quare hm̃odi irrotulat̃, vel in fine content̃ executionẽ habere non debeant. Et si ad diẽ non venerit, vel fortè venerit, & nihil sciat dicere, quare executio fieri non debeat, percipietur vic', qd' rem irrotulatam, vel in fine contẽtam exequi faciat. Eodẽ modo mandetur Ordinario in suo casu, obseruat̃ nihilominus quod [W.2.ca.9] supradictũ est, de Medio, qui p recognitionẽ aut iudiciũ obligatus est ad acquietandũ. [13.E.1.Mercatoribus.]

Approuer. cap. 50.

Cum in statuto ædito apud Merton, cap.4. concessũ fuerit, quod dñi vastorum, boscorũ, & pasturarum approuare se possint de vastis, boscis, & pasturis illis, non obstante contradictione tenentiũ suorum, dummodo tenentes

tes ipsi haberent sufficientem pasturam ad tenementa sua, cum libero ingressu & egressu ad eadem. Et pro eo qd' nulla fiebat mentio inter vicinũ & vicinum, multi dñi vastorum, boscorũ, & pasturarum hucusq; impediti extiterint per contradictionem vicinorum sufficientem pasturam habentium. Et quia forinseci tenentes non habent maius ius communicandi in bosco, vasto, aut pastur̃ alicuius domini, quam proprij tenentes ipsius dñi: statutum est de cętero, quod statutũ apud Merton prouisum inter dñum & tenentes suos, locum habeat de cętero inter dominos vastorum, boscorũ, & pasturarũ & vicinos, ita qd' dñi hm̃odi vastorum, boscorum, & pastur̃ salua sufficienti pastura hominibus suis & vicinis, approuare sibi possint de residuo. Et hoc obseruetur de his qui clamant pasturam tanq̃ pertinentem ad tenementũ suum. Sed si quis clamat communiam pasturam p speciale feoffamentum, vel concessione ad certum numerum aueriorũ, vel alio modo, quã de iure cõmuni habere deberet, cũ consentio legi deroget, habeat suũ recuperare, quale habere deberet p formam concessionis sibi facte. Occasione molendini ventritici, bercarię, vaccarię, necessarij, augmẽtationis cur̃, aut curtilagij de cętero non grauetur quis p Assisam noue disseisinę de cõmunia pasturę. Et cum contingat aliquando, quod aliquis ius habens approuare, fossatum aut sepem leuauerit, & aliqui noctanť, vel alio tali tempore quo non credant factum eorum sciri,

fossa-

fossatum aut sepem prostrauerint, nec sciri poterit per veredictum assisæ, aut iuratę, qui fossatum aut sepem prostrauerint, nec velint homines de villatę vicinis indictare de hm̃di facto culpabiles, distringantur ꝓpinque villatę circũ adiacentes, leuare fossatum aut sepem, ad costũ propriũ, & damna restituere.

Assise c. cap. 51.

Et cum aliquis ius non habens communicandi vsurpet communiam tempore quo hęredes infra ętatem extiterint, vel vxores sub potestate virorũ suorũ existentes, vel pastura sit in manu tenentium in dotem, per legem Angliæ, vel aliter ad terminum vitæ, vel annorum, vel per feodum talliatum, & pastura illa diu fuerint vsi, multi sunt in opinione qd̃ hm̃di pasturę debent dici pertinere ad liberũ tenũ, & quod hm̃di possessori competere debet actio per br̃e No. diss. si ab hm̃di pastur̃ deforceantur, sed de cętero tenendu est, qd̃ habentes huiusmodi ingressum á tẽpore quo currit breue mortis antecessoris [B. del commencement del H. 3. per W. 1. ca. 38.] si antea communiam non habuerunt, non habeant recuperare per breue Nouę disseisinę si fuerint deforciati.

Fish and Fishings 1. cap. 52.

Prouisum est, quod aquę de Humbre, Ouse, Trent, Doue, Arre, Derewent, Wherff. Niddiore, Swale, Tese, Tyne, Eden, & omnes alię aquæ [in Regno] in quibus Salmones capiuntur, ponantur in defenso, quo ad Salmones capiendos, á die Natiuitatis beatæ Mariæ,

vsque

vsque ad diem sancti Martini. Et similiter qd̃ salmunculi non capiantur, nec destruantur per retia, nec per alia ingenia ad stagna molendinorum, a medio Aprilis vsque ad natiuitatẽ sancti Io. Bap. Et in partibus vbi huiusmodi riparie fuerint, assignentur conseruatoꝝ istius statuti, qui ad hoc iurati sepius videant & inquirant de huiismodi transgressione, & in prima transgr̃ puniatur per combustionẽ retium, & ingenorũ suorum. Et si iterato deliquerint, puniatur per prisoniam quarterij anni. Et si tertio deliquerint, puniantur per prisonã vnius anni. Et sic multiplicata transgressione, crescat pene inflictio. [anno 17. R 2. cap. 9.

View 1. cap. 13.

De visu terrę ordinatum est & statutum, q̃ de cętero non concedatur visus, nisi in casu quando visus est necessarius. Sicut si aliquis amittat tenementũ per defaltam: & ille qui amisit suscitet aliud breue ad petendum idẽ tẽn. Et in casu quando aliquis per exceptionem pilatoriam cassat breue post visum terræ, sicut p̃ non tenuram, vel malenominando villam, vel huiusmodi, si suscitet aliud breue, in hoc casu & in superiori de cetero non concedatur visus, dummodo visum habuerit in prioribus brevibus. In breui de dote competatur dos de tenemento, quod vir vxoris alienauit tenenti aut eius antecessori, cũ ignorare non debeat tenens, quale tẽn vir vxoris alienauit sibi vel antecessori suo licet vir non obijt seisitus, nihilominus tenenti de

cetero

cetero non erit visus concedendus. In breui etiam de ingressu cassato per hoc quod petēs nominauit male ingressum, si petens suscitet aliud breue de alio ingressu, si tenēs in priori breui visum habuerit, in secundo non habebit. In omnibus etiam breuibus per quē tēs petunt̃ ratione dimissionis, quā petens vel eius antecessor fecit tenenti, & non eius antecessori, sicut quod ei dimisit, dum fuit infra ætatem, non compos mentis, in prisona, & consimilibus, non iaceat de cetero visus, sed si dimissio f. cta fuerit antecessori iaceat visus sicut prius.

Champerty 2. cap. 54.

Chaunceller, Treasorer, Justices, ne nul de counsel le roy, ne clerke de la chauncery, ne del Eschequer, ne de Justice, ne dauꝫ minister, ne nul de hostel le Roy, ne clerke, ne lay, ne puꝫ resceiuer esglise, ne aduowson de esglise, ne terre, ne tenement en fee, p̃ don, ne p̃ achate, ne a ferm̃, ne a champty, ne en auter maner, tanꝫ come le chose est en plē deuant nous, ou deuāt ꝟ de nous minist̃, ne nul lower ent soit pris. Et q̃ encounter cest chose face, ou per luy ou per auꝫ, ou nul [bargaine ent] face, soit puny a la volunt le roy auꝫ bien celuy q̃ le purchasera com̃ celuy que le fra [11. E. 1. Champertie 1. Articuli super chartas ca. 11.

55 Omnia prædicta statuta incipiant conseruari ad festum sancti Michaelis proximo venturum, ita quod occasione aliquorum delictorum contra aliquod prędictorum statu-

torum circa prædictum festum perpetratorum, pœna delinquentibus, de quibus mentio fit in statutis, non infligatur.

Action vpon the Statute 1. Cap. 56.

Super vero statutis in defectum legis & ad remedia editis, vt diutius querentes cum ad curiam Regis venerint recedant de remedio desperati, habeãt breuia sua in suo casu prouisa, sed non placitanẽ vsque ad festum Sancti Michaelis.

Explicit statutum de Westm̃ second.

Statutum de Mercatoribus ẹdit̃ Anno 13. E. 1.

Recognisance &c. 1. cap. 1.

PAr ceo que marchants, queux auant ceux heures ont a prest lour auoier a diuis gents, sõt chies en pouertie, pur ceo que nauoient pas ci ready ley parmesso, pur la quel ils purroient lour detz hastiment recouera au iour assets de la pay, et per cel encheson, sont multes des marchants sustretes de bener en cel tre oue lour mer=

merchandises, au dam̃ des merchants & de tout le Roialme: Nostre sir̃ le Roy p luy, & per son counsel a son parliamẽt quil tient a Action Burnel, apres la seint Michael, lan de son raigne xj. fist & ordeigne les establishments sur ceo, a remedy des merchants les q̃ux ordeinments & establishment le roy cõmanda q̃ tenus fuissint, & firmemẽt gardes en tout son roialm̃, dont merchants ont eue remedie & meins des mischieues & trauailez de recouer lour dets que auant ne soilent. Mes pur ceo que marchants puz soy pleindzont au roy que lez vist̃ malemẽt interpretont son estatute, & aicun foits per malice, & per male interpretation delaieront lexec̃ del estatute, au grand dam̃ des merchants.

2 Le Roy a son parliament a Westm̃, apres la Pasche, lan de son raigne xiij. fist reciter lauantdit statut fait a Action Burnel, & pur declarer aicuns articles de le statut auantdit, ad ordeigne & establie q̃ merchãt que voit estre suey de sa det, face venir son dettoz deuant le Maioz de Londzes, ou deuant [auter] chiefe gardeine de cel Citie, ou dauter bon ville, ou le roy ordeignez̃, & deuãt le Maioz ou chiefe gardeine ou auter prodhome a ceo eslieu & iure, quant le Maioz ou chiefe gardein ne poient a ceo entender, et deuant vn des clerkes que le Roy a ceo assignera, quant ambideux ne potent a ceo entend̃, conus la dette et le iour de le payment, & soit le recognisance enroll̃ de le main dun des auantdits clerkes que serra conus,

& le

q le roule serra double, dont iun demurge
vers le Maior ou chiefe Gardein, e lautre
vers le Clerke, q a ceo serra primes notine.
Et ouslk ceo vn des auantdit clerks de son
mane face lescript del obligatiõ, e q escript
soit mis le seale del dettor, ouc le seale le roy
q a ceo est purueiso: le q̃l seale serra de deux
pẽces, dont le greinder pẽce demurera en
le garõ le Maior, ou le chiefe gardein, e lau-
tre pẽce en le mayne le auantdit Clerk. Et
si le dettour ne rendra le det au iour que a
luy est assigne, ci deigne le Marchant al
Maior e clerke ouc son letter del oblig. Et
si troue soit per roll, ou per letter, que la det
soit conus, e la iour [de payment] assigne
soit passe, ci face le Maior, ou chiefe gar-
dein prendre le corps le dettour (sil soit luy
q̃) q̃ heure q̃ il soit troue deins iour poweir, e
luer al prison de la ville, si prison y soit, e le
demurge a ses costages propres, isiuy a tant
q̃ eis fait gre de la det. Et commaundũ est q̃
le gardein de la prison de la ville le receiue
p le liuerie del Maior, ou le chiefe gardein.
Et si ne luy voile receiu, ci respoigil maintenant le gardein de la prison de la det, sil ad
de quoy, et sil nad de quoy, respoigne celuy
que la prysoñ luy baile a garder. Et si le
dettour ne puit estre troue en le poweir le
Maior, ou le chiefe Gardein, dont q̃ mandre
le Maior, ou chiefe gardein desdirch le seale
del roy auantdit al Chaunt la recognisc soit
le det. Et le Chaunt rendera le chiefe al
Chirot, en que bailie le dettour serra troue,

que il prengne son corps, sil soit laye, et en
lafe prison luy gardé, iesques a tant quil ait
fait gré de la dett. Et deveins lui quarter
de lan apres ces que il serā prise, et les chas
teux & ses terres deliuerers, sellint que par les
soiens, quille leuer & paier la dette. Et bien
luy lisst deins cel quarter del an, terres & te
nementes, bendre pur ses detts acquiter,
& sa bende serra ferme & estabiye. Et sil ne
face gré deins le quarter, apres le quarter
passe soient liueres al marchant toutes les
biens del dettour, & touts ses terres p rea
sonable extent, a tener iesque a tauint que le
dette serā leue pleinnēt. Et la le plus tard
le corps deuourge en prison, come deuant est
dit; Et le marchant luy trouu pane & eue.
Et eit le merchant, en ceux tenements liue
res a luy ou son assigne, tel seisin quil pu
isse porter briefe de nouel disseisine sil soit
engette, & repisseisine auxp come de franke
tenēt, a tesi a luy & a ses assignes, tanq la
dett soit paie. Et apres la dette leue et pay
soit le corps le dettour deliurē, eue sa terre.
Et en les briefes que le Chaunc enuoyera,
soit mēciō fait, que l'bilō certifiera les iusti
ces de lun banke ou de lauter, coment il a
uerō persoyme le cōmaundemēt le roy a lu
certain iour; q̄ iour le merchant, si cō gra
ne soit fait, sua deuant les Justices. Et si ly
bilō ne retorn nul brief, ou retorn que le bre
biet trope tard, ou qils ont mandes as bai
lifes des franchises, facent les Justices
solonq ceo que est contenue en le darrein
esta-

estatut de Westminster [ca. 39.] Et si p cas le viscõt manũd q̃ le dettour nest pas troue en soit clerke, cy eit le merchãt dres a touts les viscounts ou il auera terre, quiz luy liuerõt touts les chateux, & touts les tenemẽts le dettour per reasonable extent a tesi a luy & a ses assignes en la fourme que est auantdit. Et taleuurins eit briefe a quel viscount q̃ il bouldra, de prender son corps sil soit laye, et a tener en la forme auantdit. Et byen loy garde le gardein del prison, que luy comenda respondre del corps, ou de la dette. Et apres ceo que les terres le dettour sont liuers al merchãt, bien purra le dettour sa terre vendre, issint que le merchant nett damages de les aprouemẽts. Et salues soient touts iours al marchants, damages, et touts costages necessariz & reasonables en trauailes, suites, delaies, & dispenses. Et si le dettour troua pledges que se conust estre principales dettors, apres le iour passe soit fait de les pledges en touts choses come deuant est dit de le principal dettour quant a corps prendre, et terres liuerer, et auters choses. Et quant les tres les dettours soient liuers au merchãt: il eit seisin de touts terres queux tueront en la maine le dettour le iour de la recognisans fait, en que maines que ils serront apres deuenus, ou p feoffement, ou per auter matter. Et apres la dette pale, les terres & issues des terres des dettours p feoffement, retournent auxibien a terre al feoffe, cõe les auters terres as dettours.

Et si le dettour ou les pledges murge, neit le Marchant power de prendre le corps del dettre, mes eit les terres, come auant est dit, sil est dage: ou quant il serra de pleine age, iesq; a tant que il ad leue des terres le summe de la det. Et soit purueu vn auter seale q̃ seruera a faires. Et icel seale serra enuoy a chescun fayre desouth le seale le Roy, per vn clerke iure, ou per gardeine de la fayre. Et p le Cõmunaltie des Marchants de la Cite de Loundres, soient esliens deux loyalx Marchants, q̃ facent le serement, & deuant eux soit le seale ouert, & lun perce soit baile a les auantdits Marchants, & lauter demurge vers le Clerke et deuant eux, ou de lun des Marchants, si ambideux ne poiet attendre, soient les conusances faits, sicome auãt est dist. Et auant ceo q̃ le recognisãce soit enroll, soit la peine del auantdit estatute appiertmẽt lye deuant le dettour, issint que il ne puisse auterfoits dire, que vn lup mist a auter peine q̃ a cel a que il fop obligé. Et a susteyner les costeges de lauant dit Clerke, ci prendra le Roy de chescun libr j ñ. en chescũ ville ou le seale serra mis, forspris fayres, ou il prẽdra trois maules de [chescun] li. Cest ordeinemẽt & estabilismẽt voit le Roy, que deloymes soit tenus p tout son roialũ Dengleterre & Direlaud, entre q̃l gentes que ceo soit, que de lour estate degrer ceiles reconut, voudront faire, forspris Jewes, as queux cest estabilismẽt ne se extende. Et p cest estatute & estabilismẽt

ment ne soit bre de det abatus. Et ne soit le chancelr, barōs del eschequer, Justices de lū & de lant bank, ne Justiē errāts forcios de prendē reconuis. des dets denāt eux faits & conus, mes les executions de reconuis. denant eux faits ne soient pas faits p la forme anātdit, mes per la ley & lusage auant vses & purueux ailleurs en aux estatuts. [viz. W. 2. cap. 45.] Hēc fundatū sup statutū ꝓdict. ¶Rex vic' saltm. Quia corā tali maiori, vel custode talis villæ, vel corā custod' sigilli nri de mercatoribus in nundinis de tali loco, & tali cleric' nro recognouit A. se debēre B. tātū, qd' soluisse debuit tali die & tali anno, qd eidē B. nondū soluit, vt dicit. Tibi precipim', qd' corp' pręd' A. si laicus sit capias, & in prisona nra saluo custodiē facias, quousq; præd' B. de prædicto debito plenarie fuerit satisfactum. Et qualiter hoc pceptū nrum fueris executus, scire facias instic' nostris apud Westm &c. per literas tuas sigillatas, Et habeas ibi hoc breue.

Teste, &c.

¶ Statut de Westm 3. edit
Anno 18. Edw. primi.

Cest estat est fait pur aduantage de Seigniors.

Tenure 4. cap. 1.

QVia emptores terrarum & tenementorum de feodis Magnatum & aliorum dominorum, in preiudicium eorundem, temporibus retroactis, multociens in feodis suis sunt ingressi, quibus liber tenentes eorundem magnatū & aliorum terras & tenementa sua vendiderunt, tenend' in feod' sibi & heredibus suis de feoffatoribus [& heredibus] suis, & non de capitalibus dominis feodorum, per quod ijdem capitales dñi eschaetas, maritagia, & custodias terrarum & tenitorum de feodis suis existentium sepius amiserunt: quod quidem eisdem Magnatibus & alijs dñis quamplurimum durum & difficile videbatur, & [sic] in hoc casu exheredatio manifesta: Dñs Rex in parliamēto suo apud Westm post Pasch. ann regni sui xviij. videlicet in quindena Sancti Iohis Bap. ad instantiam Magnatū Regni sui, concessit, prouidit, & statuit, quod de cetero liceat vnicuique libero homini, terras suas, seu tenementa sua, seu partem inde ad voluntatem suam vendere, ita tamen qd' feoffatus teneat terram illam, seu tenement illud de capitali dño feodi illius per eadem seruitia

uitia & consuetudines, p quæ feoffator suus illa prius [de eo] tenuit. Et si partem aliquã earundẽ terrarũ, seu tenemẽtorũ alicui vendiderit, feoffatus ille [ptẽ] illã teneat immediat de capitali dño, et oñẽ statim de seruicijs quantũ ptineat sive ptinet debet eidẽ capitali dño p pcula illa secundũ quantitatẽ terræ seu tẽ sic vẽditi. Et sic in hoc casu decidat [eidẽ] capitali dño ipsa pars seruitij per man' feoffati captend' ex qua feoffat' [debet] eidẽ capitali dño, iuxta quãtitatẽ terr' seu tẽ venditi, de particula illi' seruitij qe debiti esse intendens & respondens. Et sciendũ est qd p ꝓdict' venditiones, seu emptiones terrarum, seu tẽ, aut pt' alicui' earundẽ, nullo modo possint terre seu tẽ illa in parte vel in toto ad manum mortuam deuenire, arte vel ingenio contra formã statuti sup hoc dudũ editi 7. E. 1. de Religiosis] Et sciendum est q istud statut teneat locum de terris [seu tenetis] vendit' tenend' in feodo simplici tantum. Et qd se extendat ad tempus futurum. Et incipiet locum tenere ad festum sancti Andreæ apostol' proximo futur' Ann' regni Regis E. filij regis H. xviij.

Explicit statut' Westm' iij.

¶ Modus leuandi Fines, edit
Anno 18. Edw. primi.

Fines 1.

QUant le brieue original soit lie en presence des parties denant Justices, donques dirra vn countour illint; Sir Justice, conge daccord, Le Justice dirra, que dirra? Sir Robert, e noimes vn des parties. Donques quant ils serront agrée de la summe de pecune que est dons al Roy, donqs dirra le Justice, Cries la pence. Et puis dirra le countour, illint que la pence est tiell, a vous conge, que William e Alice sa feme, que cy sont, recognisont le manour de B. ouec les appurtenances contenus en le bree, estre droit du R. come cest que il ad de leur dons, A auer e tener a luy e a ses heires, de W. e Alice, e les heires A. come en demeine, rent, seigniories, courts, plets, purchases, gardes, mariages, reliefes, escheates, moluns, e mouolons de Eglises, e touts auters franchises, e franke customes al auantdits manours apperteignant, rendant per an a R. e ses heires, chiefes seignours de fee, seruice due, e customes pur touts seruices. Et fait assauoir, que order de ley ne fust auye, que final accorde soit leue en la court le Roy sans brieue original, e ceo a tout le meins denant iij. Justices en banke, ou en Eyre, e non pas ailours, et en presence des parties nomes en brieue, queux soient

de

de pleine age, & de bone memorie, et hors de prison. Et si feme couert de baron soit un des parties, donqs conient que el soit primerment confesse de iij. Justices auantdits. Et si el nassent al fine, ne ceo liuerme. Et la cause pur que tiel solempnitie doit estre fait en cel fine est, pur ceo q̃ Fine est ci hault barre, et de ci graund force, & de ci puissant nature en soy, que el forclos mump solement ceux q̃ur sont parties & prismes a la fine, et lour heires, mes toutes auters gentes de mound. q̃ur sont de pleine age, hors de prison, et de bone memorie, & deins les iij. meres, le iour del fine leuie, fils ne mettront lour claime de lour action pur le pays, deins lan & le iour. [Vide plac. fol. 354.]

¶ Statutum

¶ Statutum de vocat̃ ad warrant̃, editum *Anno* 20. *Ed. primi.*

Voucher 6.

CVm tenens implacitatus in placit̃ terr̃ temporibus retroactis vocauerit aliquem ad warrant̃, & petens super hoc verificare voluerit [quod nec vocatus,] nec aliquis antecessorum suorum à tempore seisinę antecessoris ipsius tenentis fuerit in seisina, de tent̃ prędictis, nec in dominico, nec in seruitio, sed si ille vocatus ad warrant̃ fuerit pręsens, & gratis tenenti warrantizare voluerit, ꝑdicta verificatio petentis admitti non consueuit, nisi vocatus absens fuerit, & hoc ratione cuiusdam statuti dn̄i Reg̃ nunc, editi inter cętera statuta sua prim̃ Westm̃ [cap. 39.] propter quod dn̄s Rex animaduertens fraudem, deceptionem, & maliciam, & etiam damnum suum, & exhęredationẽ coronę suę, qd' in casu prædicto in curia sua mustrociens posset interuenire, & isto die interuenerit. Cum quidem tenentes de ipso Rege in capite per baroniam integrã in quodam placito pendente coram Iusticiar̃ de banco vocauerint ad warrant̃ de demanda particularitèr quosdam garciones ignot̃, & extraneos, quos pręsentes duxerint, & quorũ antecessores aut ipsimet, nunquam in tent̃ quę warrant̃, aliquid habuerint, aut in aliquibus terr̃ aut tenemẽtis alijs in regno suo, nequé in dominico, nequé in seruitio, (prout à di-

a diuersis domini Regis fidelibus testabatur) vt per cautelam illam, fraudem, & maliciam, ipsi per baroniam tenentes auferre possent dño Regi misericordiam suam, in quam inciderint, si petens versus eos demandam suam recuperaret. Et similiter cum garciones warrantizauerint, viz. quilibet de portione quam warranī debet [in casu vbi duellum iacet,] possit se defendere per corpus seruientis sui prouisi, & conducti per ipsos baroniam tenentes. Et sic sup vno breui, & vna demanda iam fuerunt duo vel tria duella vadiata, quod durum est, & exemplum pernitiosum tēpore futuro p pauperibus petētibus versus magnates & diuites, qui se per maliciam pdictam defēdere voluerint, nec petens contra dictos warranī, quādo vocati fuerint verificationē suam in forma prædicta habere possit, eo qd ipsi vocaī presētes fuerint, & gratis warranī: Dominus Rex de consilio suo communi statuit, & firmiter de cetero, videlicet, a festo sancti Hillarij, anno regni sui xx. precepit obseruari, q̄ quicunque tenens aliquem vocauerit ad warranī, & petens in forma pdicta verificare voluit, admittaī eius verificatio, siue vocatus fuerit absens, siue presens, nullo habito respectu ad eius presentiam, vel absentiam.

¶ Statuī

¶ Statut̃ de defensione Iuris, ædit̃ *Anno 20. Edw. primi.*

Rescit̃ 1.

CVm quis aliquod breue domini Regis impetret versus tenent̃ per legem Angliæ, vel feodum talliatum, vel sub nomine dotis, vel alio modo, ad terminũ vitæ, vel annorum, & petens tantum fuerit prosecutus, qd' tenemẽt̃ sunt quasi admittenda [et sibi adiudicanda,] et super hoc venerit alius ante iudicium redditum à latere, dicens se habere feodũ & ius in tenemẽtis illis, & curiam supplicauerit, quod ex quo ante iudiciũ venerit tenemẽt̃ sua defẽdere, & paratur inde petẽti respõdere, ad hoc admittatur ratione cuiusdam statuti dñi Regẹ nunc, inter cętera vltima statuta Westm̃ ędita [8. W. 2. cap. 3.] per quod statutum tam nullũ ius habentes, quam illi qui ius habent multociens in casu p̃dicto falsò, & in deceptionẽ curiæ superuenerint, & petierunt se admitti responsuri, vt per admissionẽ suam possent petẽtẽ elongare de iudicio, & seisina demandę suę habẽdę, & ad faciendũ eosdem petentes de nouo placitare, & sic petentes in casu p̃dicto in curia Regis sepius elongantur à iure suo, per malitiam supradictam, tam de falsitate de p̃dicto statuto superueniente, quã ex iusta causa rationabili, & hoc corã Iusticiarijs multociens contingit & inuenitur: ꝓpter qd' dñs Rex, ad malitiam p̃dictam in p̃dicto casu destruend', reme-

remedium volens apponere, in pleno Parliamento suo ex communi consilio suo statuit, & firmitèr de cętero, videlicet, à die Lunę pximo post festũ Purificationis beatę Marię virginis, anno regni sui vicesimo, precepit obseruari: Quod cum aliquis à latere ante iudicium in casu pdicto superuenerit, & petierit se admitti, antequam admittatur inueniet sufficientem securitatem, put curiæ visum fuerit, ad respondendum petenti de valore exituum tenĩ sic amittendorũ, à die quo recipitur responsuũ, vsque ad diem quo iudicium finale fiat super petitionem petentis. Et si ille petens demandam suã recuperet, graviter amercietur defendens, si habeat vnde. Et si non habeat vnde, committatur gaolę, ad voluntatem Regis. Et si verificare poterit ius suum esse tale, quale illud asserit quando petit ipsum admitti, tunc sit quietus.

Explicit.

¶ Statũ de Finibus leuatis, ęditum *Anno 27. Edw. primi.*

Fines 2. cap. 1.

QVia Fines in curia nostra leuat finem litibus debẽt imponere, & imponunt, & ideo Fines vocãtur, maxime [cum] post duellum & magnam Assisam in suo casu vltimum locũ finalem teneant in perpetuum iamque

iámque per aliquod tempus præteritum, tam tempore clarę memorię domini Henrici Regis patris nostri, quam nostro, partes eorundem finium, & earũ partium heredes (contra leges & consuetudines regni nostri antiquitus vsitatas) sup hmodi finibus adnullandis & euacuandis admittebantur, proponentes quod ante finem leuatum, & tempore leuationis eiusdem, & postea, petentes, seu querentes, aut eorum antecessores de tenemẽtis in finibus contentis, aut de aliqua parte eorundem, semper fuerunt seisiĩ, & sic fines huiusmodi ritè leuaĩ per Iuratores patrię falsò suboruatos, & maliciosè procuratos, multociens euacuabantur & adnullabantur minus iustè: Nos volentes super præmissis remediũ adhibere, in parliamẽto nostr̃ ad Westm̃ statuimus, quod dictę exceptiones, seu responsiones, vel inquisitiones patriæ, super huiusmodi exceptionibus seu responsionibus nullo modo contra hmodi recognitiones & fines de cętero admittantur. Et nos vero volumus, quod statutum istud tam locum habeat ad fines prius leuatos, quam in posterum leuandos. Et videant Iusticiarij, quod notę, & fines in curia nostr̃ in posterũ leuãdi, publicè & solemnitèr legantur, & quod placita interim cessent omnino, & hoc fiat per duos dies in septimana, secundum discretionem Iusticiar̃.

Shirifes 2. *cap.* 2.

Item ordinauimus de consilio nostro, quod Vicecom̃ de cętero non onerẽtur de aliqui-

bus

bus exit' leuand', nec aliquos leuent, antequam exeant de Scaccario per extractas Iustic' ibidem deliberandas. Et quod sit' extractis Iustic' singula capita onerentur de exitibus suis forisfactis, sicut & de amerciamentis. Et si forsan aliquis Vicecom' responderit de exitibus alicuius recognitoris, vel plegij, seu manucaptoris per ipsum oppositi, & in curia nostri retornati, qui ad solutionem eorundem exituum seu amerciamentorũ tempore retorni non sufficiat, idem vicecomes ad Scaccarij nostrum inde oneretur & respondeat. Et caueant sibi Vicecomites subgrauf forisfactura, quod de cętero faciant singulis tallias de denarijs quibuscunque per preceptum nostrum per ipsos vicecomites & subditos suos receptis. Et quod non retornent aliqui nomina manucaptorum, iuratorum, seu aliorum, nisi ipsi manucaptores, iuratores, seu alij, secundum tenorem breuium nostrũ vicecomit' inde directorum, ad hoc legalitèr & manifestè ponantur. Nec retornent aliqua nomina plegiorum liberorum hominum, nisi ipsi manifestè se plegios consenserint. Et super hoc statuimus, quod quolibet anno semel in anno mittanque vnus Baro, & vnus Clericus de dicto Scaccario nostro per singulos Comitatus Angliæ, ad imbreuiandum nomina omnium, qui anno illo debita per veridem ceram abeis exacta soluerint. Et ijdem Baro & Clericus, tallias illas videant, & imbreuient, & audiant, & terminèt querelas sup vic', & clericos suos, & balli-

ballinos contra præmissa venient, & graui punian transgressores.

3 Quia Vicecom, & alij, temporibus retroactis, latrones notorios & manifestos, & pro morte hominis, & alijs felonijs captos & imprisonatos, & qui non sunt replegiabiles, per pleuin dimiserunt, contra formā statuti nostri apud Westm̄ æditi, de his qui sunt replegiabiles, & qui non, [2. W. 1. cap. 15.] per quod ipsi malefactores irreplegiabiles, sunt replegiati, ad quorum deliberationem falsò faciend' iuratores patrię p se & amicos suos, ante aduentū Iusticiar' itinerantiū, aut aliorum, ad eorum deliberationē assignat', procurant & subornant, alijsq; minant, ppter quod tam ppter metum Vic', & aliorum, per talem pleuinam illos dimittētium, quam timorem eorundem latronum, seu felonum sic deliberat', coram Iusticiarijs ad gaolas deliberādas assign' hmodi latrocinia & homicidia suffocantur, & ipsa sic concelata penitus remanēt impunita: Nos pro vtilitate regni nostri, & pace nostr firmius obseruanda, statuimus & ordinabim', q Iusticiarij ad assisas capiendas assignati, in singulis Comitatib', vbi capiunt Assisas, prout ordinatum est, statim post assisas capetas in eisdem comitatibus, remanent ambo si laici fuerint. Et si vnus ipsorum Clericus fuerit, tunc associato illi Iustic' qui laicus est, vno de discretioribus Militibus comitatus illius, per breue nostrum deliberent gaolas in com illis, tam infra libertatem, quam extra, de prisonarijs quibuscūque,

secundum

secundum formam deliberationis gaolę comitatuum illorũ hactenus visitatam. Et ijdem Iusticiarij tunc inquirant qui vtc' & alij, prisonarios irreplegiabiles per pleuinam dimiserunt, vel in aliquo contra formam statuti prędicti nup apud Westmonastet edit, deliquerint: et quos culpabiles inde inuenerint [ipsos] in omnibus, secundum formam statuti prędicti puniant & castigent. [28.E.1.de Appellat.]

Nisi prius 2. cap. 3.

Item cum statuerimus, quod nullus ponat alicubi extra com̃ in recognitionibus, inquisitionibus, & iuratis aliquibus, qui minus quã C.s' terr, vel reddit habeat, per quod tam ipsi q̃ plus terrę habentes ꝓpter frequent, tam ad Scaccariũ nostrũ, quam coram Iustic' nostris de vtroque bãco summonitiones, depauperentur. [21.E.1.de Ponendis in Assisis & Iuratis] Nos tant intolerabilem populi nostri iacturam aduertentes, non solũ ad eorundẽ iuratorũ exonerationem, sed etiam ad celerem partib' in curia nostr placitantibus iustitiam exhibend', Statuimus & ordinauimus, quod inquisitiones & recognitiones coram Iusticiar de vtroque banco de cętero adiudicãdę, capiantur tẽpore vacationis coram aliquo Iustic' eorundẽ, coram quib' placitũ deductũ fuerit, associato sibi vno Milite com̃ illi', vbi tales inquisitiones emerserint, nisi fuerit inquisitio magna indigens examinatione. Et sic in hmodi inquisitionib' capiendis de cętero fiat, put Iustic' ad vtilitatem

regni nostri potius esse viderint faciend', non obstante statuto nuper apud Westm̃ [2. cap. 30.] super hmodi inquisitionibus capiend' edit̃, continent̃, qd' si omissa forma in statuto illo ordinat̃ aliquę inquisitiones capiantur, p nullis penitus habeãtur. Dat̃ apud Westm̃ secundo die Aprilis, Ann̄ regni nostri xxvij. [12.E.2. cap.3. de statuto Eboracen̄.

Explicit statut' de Finibus leuatis.

¶ Articuli super Chartas, ędit̃ *Anno 28. Edw. primi.*

PUr ceo que les pointes de la graunde Charter des fraunchises, & de la forest, les q̃ur le roy Henry, pier nostr̄ Seigniour le Roy q̃ ore est, graunta a son people pur le priuie de son roialm̄, ne ount pas este tenus, ne gardes auant ces heures, pur ceo que auant ces heures peine ne fuit establie vers les trespassants countre les pointes des Charters auantdits: Nostre seigniour le Roy les ad de nouell' graunt renouell' & confirme, Et a la requestes dez Prelates, Countés, & Barons a son parliam̄t a westminstr̄, en quaresme ian de son reig̃ xxviij. ad certaines pointes affirme, & peine, ordeigne, & establie, encounter touts peeur, que encounter les pointes des auantdits

Char-

Charters, ou nul point de eux, en nul manner biendront, ou mispprendront, en la forme que ensuit.

Confirmation 2. cap. 7.

¶ Cestasauoir, q̃ de ci en auant la grand Charter des fraunchises Dengleterre, grant a tout la commune Dengleterre, e la charter de la Forest en mesme le maner grant, soient tenus, gardes, e maintenus en chescun article, et chescun point, auxi pleinement come le roy les ad graunt, renouele, e per sa charter confirme. Et q̃ celles charters soient bailez a chescun bisconte Dengleterre desoubes le seale le Roy, a ier quater foites per an deuant le people en pleine countie: cestasauoir, au pchein countie apres la saint Mychell, au prochein countie apres le Nowel, au procheine countie apres la Pasche, e au pcheine county apres la saint John Baptist. Et a ceux deux charters en chescu point, e en chescun article dicel, firmement tener, e garder, ou remedie ne fuit auant p la common ley, soyent ellieus en chescun countie p la cõmunes de mesme la county trois probes homes chiualers, ou auters loiaux, sages, et auises, q̃ soyent iures e assignes per les letters le Roy ouertes de son graund seale, de oyer e terminer, sans auter dõe q̃ iour common grant, les pleints q̃ se ferront de touts peeur, que contrebiendront ou mispr̃endront en nul des dits points des auantdits charters en counties ou ils sont assignes, auxi bien de deins fraunchises, come dehors, e

auxybien des ministers le roy, hors de lour places, come des iuiers, & les plaintes oyer de iour en iour sans delay: & les terminent sans allowances des delaies, q̃ sont allowes p la common ley. Et q̃ mesme ceux chiualers, eyent poyer de plaintier touts ceux q̃ serront atteintes de trespas fait encounter vi point des charters auantdits, ou remedy ne fuit auant per la cõmon ley, auxy come auant est dit, per imprisonment, ou per ransom, ou p amerciament, solonq̃ ceo q̃ le trespas le demaundõ. Et per ceo nentendõ pas le Roy, ne nul des soiens que a cest ordeignement fuerent, que les chualers auantdits, teignent nul plee per le power que dons lour soit, en cas ou auant ces heures fuit remedie purueew solonq̃ la cõmon ley p brefe: Mes que prejudice soit fait a la common ley, ne a les charters auantdits, en nul de lour points. Et voit le Roy, q̃ si touts trois ne soient presentes, ou ne purront a touts les foites attendre, a faire lour office en la forme auãtdit, q̃ deux dez trois le facẽt. Et ordeign est, q̃ les iusticõts & les bailifs le roy soient attendants a les cõmandemẽts des auantdits Justicz, en quãt q̃ appẽt a lour office. Et ouster des choses grantes sur lez points des chres auãtdits, le roy de sa grace especial, en alleuiant dez grieuãces, q̃ son peopl ad eew p lez guerres q̃ ont estre, & en auãcement de lour estate, & pur tant q̃ ils soiẽt plus ayides a son seruice, & plus volunters aydants, quãt il en auẽt a faire, ad graũt ascũs

articles,

articles, les queux il entend que tyendront
auxybien lieu e son people, et auxy graund
profit ferront, ou plus, que les pointes
auant graunteas.

Purueiours 4. & 5. cap. 2.

¶ Empriseas, pur ceo q̃ lur graund gre-
uance est en cest Roialme, e dam̃ sans nume-
ber, de ceo que le Roy e ses ministers de sa
Roialme, auxybien les aliens, cõe les denz-
zens, font lour prises par la ou ils passẽt p
my la Roialm̃, e pernent lez biens dez gẽts,
des cleres, e des layes, sans rien payer, ou
bien meins q̃ la value: Ordeine est, que de ci
en auãt nul ne p̃ign̄ prises p my le roialm̃,
forsq̃ les pernors le Roy, e les Purueiors
pur l'hostel le roy. Et q̃ les pnours le roy,
e purueiours pur son hostel ne preignent
ryens, forsq̃ pur mesm̃ l'hostel. Et des pri-
ses q̃ ils ferront p my le pays de manger ou
de boyer, e des autres meins necessaries
pur l'hostel, que ils facent la paie ou gre a
ceux, des q̃ux les choses ferront prises. Et
q̃ toutes ceux pernours le roy, purueyours,
ou achatours, ayent de ci en auant lour gar-
rant, duelq̃ eux du graunde scale, ou du
petite scale le Roy, conteignant lour poiar,
e les choses dont ils ferront prises, ou pur-
uayance, le q̃ garrant ils monstrent a ceux
des q̃ux ils ferront la prise, auant ceo q̃ ils
empreignẽt rien. Et q̃ ceux pruours, pur-
uayours, ou achatours le roy, ne preignent
plus q̃ desdeigne e mestier ne sait pur le roy
e lur hostel, e de ses enfants. Et q̃ ceux

ne preignent pur ceux que sont as gages, ne pur nul autre. Et q̃ ils respoignent en lhostell, ou en la gardrobe pleinement de touts lour prises, sans fait lour largesses ailors, ou liueries des choses, que pur le roy serrõt prises. Et si ly pernour del hostel le roy, per garrantie que il est, face prises, ou liueres en aut manet, que desuis nest dit, y plaint fait al seneschal, e au treasorer del hostel le roy, soit la veritie inquise. Et si de ceo soit attaint, soit gyé maintenant fait al plaintife, e soit ouste de seruice le roy pur touts iours, et demurge en prison a la volunt le roy. Et si ly face prises sans garrantie, e les emport encounter la volunt de celuy, a q̃ les byens sont soit maintenant arrest per la vile, ou la prise serra fait, e amesii a la pchein gaole. Et si de ceo soit attaint, soit la fait de luy, ciu de iaron, si la quantitie des byens ceo del mauude. Et quant as prises faits in fayres, et en bones villes, e en portes, pur la graũd gardrobe le roy, eient les pernors lour comun garrant y le graund seale. Et des choses q̃ ils prendront, eyent la temoigne du seale due gardein de la garderobe. Et des choses illint per ceux prises, de nombre, de quantitie, e de value, soit fait dauuendi entre les pernors e les gardeins des faires, maiors, ou chiefe baylies des villes, e portes, per le view de merchants des q̃ les biens serrõt illint prises. Et riens que luy soit fait de prendre, q̃ il ne mette en diuidende. Et cel diuidende soit pors en garderobe soubes le

seale le Gardeine, Maior, ou chiefe Bailife auantdits, & la denurge tanqz fur laccompt du garderobe le Roy. Et fil fout trouue q̃ il eit auterment prise, que faire ne deueroit, soit punie fur laccompt per le Gardeine de le garderobe le Roy, solonqz la desert. Et fi il face tielz prises sans garrantie, & fur ceo font attaint, soit fait de luy come de ceux que font prises pur lhostell le Roy sans garr̃, come desuts est dit. Et nentende mye le Roy, ne son Counsaile, q̃ per cest statute tien decresse au Roy de son droit des auncient prises dues & accustomes, come des bynes, et auters byens: mesqz en touts pointes pleinment luy soit saue.

Mirshalsie I. cap. 3.

¶ Des estates des Seneschalz, & des Marchalz, & des pleés q̃ eux deuoiẽt tener, & coment: Ordeine est, q̃ desormes ne teigñ plée de franktenemẽt, ne de dette, ne de couenant, ne de cõtract dez gẽts de peopie, forsqz tantsolement de trfis del hostel, et dauters trespasses fait dedeins la vierge, & des contracts & couenants, q̃ alcun del hostel le roy auera fait a auter de mesme lhostel, & en m̃ le hostel, & nemy ailleurs. Et nul plée de trespas ne pledront, auter q̃ ne soit attache par eux, auant ceo que le Roy issera hors de la vierge ou la trespas serra fait. Et les pledes hastiuement de iour en iour, illint q̃ ils soient pledes & terminés auant ceo que le roy issẽ hors des bounds de cel vierge, ou le trespas fuit fait. Et si par cas dedeins les

bounds de cel verge ne poiēt estre termines, cessent tiels plés devāt le seneschall, e soient les plés a la common ley. Me deloynes ne preignā le seneschall conusances des dets, ne dauter chose, forsq des gents del hostell auantdit, ne nul auter plé en tiendē per obligaā fait a le disresse le seneschall, ou le Mareschall. Et si les Seneschals, ou les Mareschals rien facent encoūter cest ordinance, soit lour fait tenus pur nul. Et pur ceo q̄ auant ces heures maks des felonies fait dedeins la verge ount estre depunies, pur ceo q̄ les Coroners de pays ne le ont pas entermis demurer des tiels maners des felonies dedeins la verge, mes le coroner del hostel le roy, q̄ est passant, de quoy issue nad nuy esse fait en due maner, ne les felons mis en exigēt, ne vtlages, ne rien de ceo pesés en eyre, q̄ ad fē a grād damage du roy, e a meins bone garde de sa peace: Ordeine est, que deloynes en case de mort de home, ou office de coroner appēt as bieūes, e enquests de ceo faire, soit maunde al coroner del pays, q̄ ensembiement due le coroner del hostel le roy face loffice q̄ appēt, e le metten enroll. Et ceo q̄ ne purra mie devāt le Seneschal estre termine, pur ceo q̄ les felons ne purrōt estre attaches, ou pur aut encheson, demurge a la cōmen ley, issint q̄ les exigēts, utlagaries, e presentmēts en eyre soient de ceo fayts p le coroner du pais, auxi come des auters felonies faits hors de la verge. Mes pur ceo ne soit lesse, que les attachements

ne soy-

ne soyent faites freshment sur les felonies faits.

Common plees 2. cap. 4.

¶ Ouster ceo nul cõmon plée ne soit desormes tenus a Lescheqer, encoũter la forme de la graund charter. [cap. 12.]

Chauncerie 1. cap. 5.

¶ Et dauter part le Roy voit q̃ le Chaũcellor, & les Justices de son banc luy suiuent, issint que il eyt touts iours pres de luy aucun sages de la ley, que sachent les besoignes, que veignent a la court duement deliuerer a toutes les foites que mestier serra.

Seale 1. cap. 6.

¶ Desormis le petite Seale, ne issera desormes nul dée que touche le common ley.

7 ¶ Le Constable du chastel de Douer ne pleade desormes a la port de chastel nul plée forrein du County, q̃ ne touche le garõ du chastel. Et le dit Constable ne distreigñ les gents du Cinq Ports, a pledẽ ayiors, ni en auter maner q̃ ils deuident, solonc la form des Charts q̃ ils ount des Roys, de lour franchises auncientes, affirmes per le graund Charter [cap. 4.

Shirifs 2. cap. 8.

¶ Le Roy ad graunt a son people, que ils eyent election de lour Viscount, en chescun Countie ou Viscount nest mye de fee, sils voilent. [Post cap. 13.]

Iurours 3. cap. 9.

¶ Le Roy voit, & commãunde, que nul

Viscont,

Viscont, ne Bailif, ne mitte en enquestes, ne in Juries, plus dez gentes, en auters lieu en auter maner q̃ il est ordeine per estatute, & que ils mittent en tiels enquestes, & juries, le plus procheines, le plus sufficiants, et meines suspicious. Et que auter nit le fra, et de ceo soit attaint, rendr̃ au plaintife ses dam̃ au double, et soit en la greue mercie le Roy. [Westm̃ 2. cap. 38.]

Conspiracie 1. cap. 10.

¶ En droit des conspiratours, faux enformours, & malueis procutours des donseinces, enq̃ests, assises, & Juries, le Roy ad ordeine remedy as plaintifes per br̃es de Chauncellarie. [33. E. 1. de Conspiration] Et indemaines voit le Roy, q̃ les Justices de lun bank, & del auter, & Justices dassises prēdr̃ assignes, quant ils deignant en pais a faire lour office, de ceo facent lour enquests a chescun pleint sans brieue, & sans delay facent droit as plaintifes.

Champertie 3. cap. 11.

¶ De rechefe, pur ceo q̃ le Roy auoit auãt ordeigñ per estatute [W. 2. ca. 49.] que nul de sez ministers ne prist nul plee a champertie, & p cel estatute auters ministers nestoient pas auantres heures a ceo lies: Voit le Roy, q̃ nul ministr̃, ne nul auter, pur port auaier des choses q̃ sont en plee, enpreigne les besoignes que sont en plee. Ne nul fur tiel couenant son droit ne lesse a auter. Et si il le face, & de ceo soit attaint, soit forfait, & ouurk deuers le roy des biens, & des terres

le parnour, a la value de tant com la partie le cō purchase per tiel emprise amoūtē. Et ceo atteind, soit rescue celuy q̄ suer voudō pur le roy deuāt les Justices, deuāt queux le plee auerē este, & per eux soit lagarō fayt. Mes en ceo case nest mye a entendē, q̄ hom ne poit auer counsaile des countours, & des sages gentes pur son donant, ne de ses procheine amies.

Det al roy 4. cap. 12.

¶ De rechefe voit le roy q̄ distresses que sont a faire pur la dett, ne soyent faites per lesses des charues, tanque come home poit auer trouer, solonqs ceo que est ordeine ailours p estatute, oue la peine &c. [51. H. 3. de Distr̄ scaccarij.] Et ne voit q̄ trope greue distres soit prise pur sa dette ne trope loign meine. Et si le dettour puisse trouer suffisant, & conuenable suertie iesque a vn iour deins le iour al vicount, dedeynes le quel home puisse purchaser remedie a faire gre de la demaunde, soit la distres relesse endementiers, & que auterm̄t le fra, soit greuement punie.

Shirifes 1. cap. 13.

¶ Et pur ceo q̄ le roy ad grant le election des viscounts a ceux des countes [5. antea 8.] voit le roy que ils eslient tiels viconts, que ne les chargē mie: & ne mittent nul ministre endailie pur lower, ne pur don. Et q̄ tiels ne se herbergent trope souent en vn lieu, ne sur les pouers ne sur les religious, [9. E. 2. Lincolñ de vicecomitibus.]

Hundreds

Hundreds 1. cap. 14.

¶ De rechese voit le Roy, que les bailliers & les hund̃ du Roy, ne les auters graund Sr̃s de la terre, ne soient lesses a trope graund summe a ferme, per quoy le people soit greue ne charge per contribution faire a tieix fermes.

Proces 1. cap. 15.

¶ En Summons, & en Attachments en plee de terre, deloymes conteigñ la summõs ou lattachm̃t le terme de v. iours a tout le meines, solonq̃ la cõmon ley, sil ne soit en attachm̃t des assises prendr̃ en presence le Roy, ou des plees deuant Justices en eyre durant le eyre, [Vide Marlebr̃ cap. 12.]

Retorne de Vicont 2. cap. 16.

¶ Soit fait de ceux que font faux retorne des brieves al maundemẽt le Roy, per quoy broyture est delay, auxy come ordeine est en le second estatute de Westminster [cap. 39.] oue la peine.

Proclamation 1. cap. 17.

¶ Et pur ceo q̃ multes mesfeasours sont en la terre plus que ne soient, & robberies, arsions, & homicides faits sans number, & la peace meines bien garde, pur ceo q̃ lestatute, que le Roy fist faire nadgaires passes a Winchester, [An 13. E. 1.] nad pas este tenus: Voit le Roy q̃ cel estatute soit de nouel enuoy en chescũ countie, & soit lie & publie 4. fois per an, auxybien come les deux graunds Charters, & firmem̃t gardes en chescun point; & ke les peines que la ayens sont

assesses.

assesses. Et a cel estatute garder & mainte-
ner, soient charges les trois chivalers, que
sont assignes per mye les counties pur re-
dresser les choses faitz encounter les graūd
charters, & de ceo eyent garrantie, [ante
cap. 1.]

Wast 5. cap. 18.

¶ En droit des wastes & destructions
faits en gardes per Eschetors & subesche-
tors, de measons, bois, parkes, viuers, & de
touts auters choses, q̄ eschiont en le maine
le Roy: Voit le Roy, que celuy que auer̄ le
dam̄ resceu, eit br̄e de Wast en la Chaun-
cerie, vers le schetor de son fait, ou subesche-
tor de son fait, sil eyt de quoy respondr̄, & sil
nad de quoy, ci respond̄ son souueraign̄ per
autiel peine, quant as dammages, cō̄e dar-
reine ordeine est per estatute sur ceux que
sont wast en gardes. [Glos̄ cap. 5. & West. 1. cap. 21.]

Liuerie & Ouster le maine 1. cap. 19.

¶ De rechefe la ou Leschetor, ou le Vis-
cont seisent en la maine le Roy auks terres
la ou il nad reason de seiser: et puis quant
troue est le non reason, les issues du mesn̄
tēps ont estre ceo en arere retenus, & nemy
rendus, quant le Roy ad la maine ouste:
Voit le Roy q̄ desormes, la ou terres sont
issint seisies, & puis la maine ouste pur ceo
q̄ il nad reason de seisier, ne ceo tener, soient
les issues pleinment rendus a celuy a q̄ la
terre demurre, & aūa le dam̄ resceue. 23.
E. 1. De Escaetoribus.

Golde

Golde &c. 1. cap. 20.

¶ Ordeigne est q̃ nul Orfuer Dangleterre ne aliors de la seignior le Roy, ne ouere, ne face de ci en auant nul manner de vessel, ne iaiaix, ne auter chose dore ne dargent, q̃ ne soit de boñ & veray allay, cest assauour, ore de certaine touche, & argent del allay del esterling, ou de meliar allay, solonqs le volunt de celuy, a que les ouerers sont. Et que nul ouer, peior argent que money. Et que nul manner de vessell dargent, ne departe hors des mains dez ouerours, tanqs el soit assay per les gardeines de le mysteř, & auxy q̃ el soit sigñ dun teste dun Leoparde. Et q̃ nul ne ouer peior ore q̃ de touche de Paris. Et q̃ les gardeins du mysterie allent de shope en shope enť les orfeours, assaiants q̃ ions soit tiel cõe la touche auantdit. Et sils trouõt nul peior q̃ la touch, q̃ lower soit forfait al roy. Et que nul ne face anneux, croix, ne firmaux. Et nul ne meť pire en ore, si il ne soit naturel. Et que taillours des aimans & dez seales, rendant a chescũ son pops dargent & dore auxy auant cõe ils le purront scauer sur lour foialty. Et les iovaux dore, q̃ ils ont entermaines de veil ouere, q̃ ils sen deliueront a plus tost q̃ ils purront. Et sils achatent delor en auant de meisme cell ouerage, q̃ ils lachatent pur deferre, & nenny pur revender. Et touts lez bones villes Dengleterre, la ou il y ad orfeures, que ils facent per mesñ lestatute, cõe ceux de Londres font. Et que vn veigne de chescũ ville

pur

pur touts, a Londres, de quel lour certein touche. Et si vil' Oseure soit attaint que enterment le face que desuis nest ordeine, soit punie per prison, & per ransom a la volunt le Roy. Et en touts les choses desuis dits, & chescun de cels voit le Roy, & tenu il & son Counsell, & touts ceux q̃ a cest ordeinement fuerent, que le droit & la seigniorie, de la Corone saues luy soient per touts &c.

Explicunt Articuli super Chartas.

¶ Statutum de Appellatis.

Note that this Statute is in other prints vntruely intituled Modus leuandi Fines.

Appeales ¶.

CVm certi Iusticiar' in singulis Comitatibus Regni ad Assisas in eijsdē capiendas de nouo assignati sint, simulque ad deliberationē Gaolarū eorūdem Comitatuū in singulis aduenti s suis fac' post captionem earundem assisarū, prout in statuto domini Regis inde confecto

plenius

plenius continetur. [27.E.1.ca.13. de Finibus leuatis.] Dñs Rex ad parliamentũ suum apud Westm̃, Anñ regni sui xxviij. pro pace firmius obseruãda, felonibusq; celerius conuincend', & prisonibus citius deliberand', concessit, ordinauit, & statuit, quod quicunque fuerint appellati per probatores existẽtes in gaolis, quas ipsi Iustic' deliberant, & vbicunque in regno nr̃o ipsi appellat̃ commorantes fuerint, aut latitantes, qd' statim mandetur Vic', in quorum ballliua talis appellati fuerint conuersantes aut poterint inueniri, per breue dñi Regis sub testimonio eorũdem Iustic', qd' taliter appellatos capiant & ducere fac', ad gaolas vbi appellatores p quos appellant̃ fuerint detenti, & ibidem coram ipsis Iustic' respondeant. Et si ipsi appellati, se super patriã posuerint, similiter mandetur per breue de Iudicio per eosdẽ Iustic' vic' in cuius ballliua feloniæ factę fuerint, de quibus appellantur, quod venire faciat coram eisdẽ Iustic' inquis. patrię ad eundem locum, vbi appellatores sunt detenti, ad certum diem. Et Vic' & alij in quorum custodia appellatores detinentur, admittant sine contradictione appellatos per eosdem probatores, cum idem appellati capti fuerint in forma prædicta, & ad ipsos appellatores adducti.

¶ Sta-

¶ Statut de coniunctim Feoffatis, *Anno 34. Edw. primi.*

Assise 7. cap. 1.

REx omnibus ad quos &c. Salutem. Non est nouum qd' nos inter cęteras Legum editiones quas temporibus nostris adinuenimus, pro nimia & enormi transgressione, quæ in breuibus Nouę disseisinæ contingit prę cęteris, in illis breuibus celerius apponi decreuimus remedium. Et quia quamplur contingit, quod in Assisa Nouę disseisinę tenens excipit, contra querentem, quod tenet tem petita coniunctim feoffatus cum vxore sua non nominata in breui, aliquando cum aliquo extraneo qui similiter non nominatur in breui, & pfert chartam quę hoc testatur, & petit iudicium de breui: Concordatum est & statutum, quod si pars querens offerat verificare per assisam, quod die impetrationis breuis sui, ille qui talem exceptionem proposuit, fuit solus tenens, ita quod vxor sua, nec alius aliquid habuerit in prædictis tenementis, tunc Iustic' coram quibus predicta assisa arrainata est, retineant prædictam chartam saluo in custodia eorundem, quousque Assisa inde inter eos transierit, vt illam que quasi dedicta est.

2 Et scire faciant per breue nostrum sub eorũ testimonio, parti absenti, quem charta

testaſ ſimul cum tenente qui pręſens eſt coniunctim feoffatum, qd' ſit ad certum diẽ reſponſurus, ſimul cum alio tenenti parti querenti, tam de exceptione propoſita, quam de teñ petitis & poſitis in viſu, ſi ſibi viderint expedire. Ad quem diem ſi ambo qui dicuntur tenentes venerint, & feoffamentũ illud aduocauerint, reſpondeant, & manuteneant exceptionem p vnũ eorũ ꝓpoſitam, & ſimiliter vlterius ad aſſiſam, ac ſi bre originale ſuper eos coniunctim fuiſſet impetratum.

3 Et ſi conuincatur p aſſiſam, qd' exceptio illa in retardationem iuris querentis maliciose fuit ꝓpoſita, eo qd' ipſi non fuerunt coniunctim feoffati de teñ illis, die impetrationis p̃dict' brevis, tunc licet aſſiſa illa tranſierit ꝓ tenentibus, & contra querentem, nihilominus puniantur talẽ exceptionem proponentes, per priſonam vnius anni, à qua non exeant ſine graui redemptione.

4 Et caueant de cętero Iuſtic', qd talem exceptionem ſic ꝓpoſitã p balliuos aliquotũ tenentium non admittant. Si autem ille qui exceptionem illam propoſuit ſe ad diem illum abſentauerit, & alter qui dicitur coniunctim feoffatus comparuerit, licet ipſe cõparens p̃d' cartam aduocauerit, & dixerit ſe nihil habere in pręd' teñ, nihilominus adiudicetur aſſiſa verſus tenentem abſentem per eius defaltam. Et ſi conuincatur p aſſiſam, qd ipſi non fuerũt coniunctim feoffati, die impetrationis bris prędicti, & ſi ſimiliter conuincatur quod tenẽs ſuper quem breue fuerit

rit impetratũ, vel alius nominatus in breui disseisierit querentem, tunc habita consideratione ad exceptionem in lęsionem partis falsò & malicioſè ꝓpositam, & ad disseisinam ꝑ eos factam, pars querens recuperet seisinã suã, & dãpna sua in duplo, & ꝓponentes illã exceptionem habeant pœnam supradictã.

5 Si autem neuter tenentiũ ad diem illum venerit, tunc per eorum defaltã versus eos capiatur assisa. Et si compertũ sit per eandẽ, qd' exceptio illa verè & ritè sit ꝓposita, quia ipsi qui eam ꝓposuerint fuerunt coniunctim feoffati antequam q̃rens breue suum versus eos impetrauit, non procedatur vlterius ad assisam, sed cassetur breue querentis. Hoc idẽ obseruetur si ambo vel vnus tantũ venerit, si comperiatur per assisam, qd' exceptio p̃dict' (vt p̃dictum est) verac' fuit ꝓposita. Eodem modo statutum & concordatũ est, quod in Assisis mortis antecessoris, & breui de Iuris vtrum, ad primum diem quo partes comparuerint in curia, si tenens proponat p̃dictam exceptionem contra petentem, & de hoc pretendit chartam, & petens offerat verificare per assisam, vel iuratam, qd' die impetrationis breuis sui, ille qui talẽ exceptionẽ proposuit, fuit solus tenens, extunc idem ꝓcessus & modus ꝓcedendi seruetur in huiusmodi assisa mortis antecessoris, & breui de Iuris vtrum, qui p̃ordinat' est, & statut' in assisis nouę disseisine.

6 Et eadem pœna delinquentibus & coniuncti[illegible]gat. In alijs vero breuibus per quę

tenementa petentur, talis fiat processus, qd' si primo die quo partes compatuerũt in cur, tenens proponat exceptionem prædictam de coniuncto feoffamento, & petens offerat verificare per iuratam patriẹ, quod die impetrationis brevis sui, ille qui exceptionem illam proposuit fuit solus tenens, tunc idem processus & modus procedẽdi seruetur inter partes, quousque iurata inde inter eas transierit. Et si comperiatur per Iuratam quod exceptio illa veracitèr fuerit proposita, tunc casletur breue petentis. Et si comperiatur per iuratam, quod exceptio illa falsò & maliciosè in læsionem partis fuit opposita, tunc petens recuperet seisinam suam de tenementis petitis, & tenens puniatur per pœnam supradictam in Assisa nouæ disseisinæ, quoad prisonam, & quoad dampna secundũ discretionem Iusticiariorum. Et volumus & concedimus, quod istud Statutum incipiat locum tenere in crastino Sancti Petri ad vincula proxim futuro.

Indicauit. cap. 2.

¶Quia etiam lites in curia Christianitatis hactenus indebitas dilationes multociens sortiebantur, per hoc qd' breue nostrum quod vocatur Indicauit, iudicibus talium litium in initio earum dilatum fuit, & super hoc capitalis Iusticiarius noster ad consultationem super tali processu faciendã, ritè seu debito modo nequiuit procedere: Concordatum est, qd' tale breue Indicauit alicui de cetero non concedatur, antequam in-

curia

curia Christianitatis inter partes fuerit contestata, et per inspectionem libelli Cancellarius noster certioretur super hoc. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Westm̃ 27. die Maij. Anno regni nostri 34.

Explicit statutum de coniunctim Feoffatis.

¶ Statut̃ de frangentibus Prisonam, ęditum *Anno primo Edw. 2.*

Felonie 2.

DE Prisonarijs prisonam frangentibus, Dominus Rex vult & pręcepit, quod nullus de cętero qui prisonam fregerit, subeat iudicium vitæ vel membrorum pro fractione prisoñ tantum, nisi causa, pro qua captus & imprisonatus fuerit, tale iudicium requirat, si de illa secundum Legem & consuetud' terrę fuisset conuictus, licet temporibus pręteritis aliter fieri consueuit.

¶ Articulus statut Gloc', correctus pro Ciuibus Londoñ, de Forensicis vocatis ad warr in Hustingo Londoñ. [9.E.2.]

Voucher 7.

PAruiew est ensement, que si home empleū en la Citie de Lounḋres, vouche forreiñ a garrantie, le Mayor & les Bailifes aiornent les parties deuant Justices de bank au certeine iour, & enuoient la iour record. Et les Justices fait summoñ le garr deuant eux, & piedent le garr. Et le Mayor & les Bailifes en dementiers surcessent a la parolle que est deuant eux per bre, iesq a taunt que que la parolle de la garr soit termine deuant Justices du banke. Et quant la parolle serra termine en banke, serra dit al garr, q̄ il voise en la Citie, et respoigñ del chiefe plee. Et le demaundant per sa suit eyt des Justices de bank au Mayor, & aux bailifes que ils voisent auant en le plee. Et si le demandāt recouer, beigñ le tenāt aux Justiz de banke, & eit bre au Mayor & as bailifes, que si le tenant eit la terre pardu, que ils facent extendre la terre, & retournent iextent au banke au certein iour, apres soit maundē au viscount du pais ou le garr fuit summ, que il face auoir de la terr du garrant a la baliance. Et si aueigñ, que le tenant face default au iour q̄ luy est doñ en banke, don-

ques issera briefe des Justices du bank as Mayor & bailifes de prendre le tenement demaunde, en la maine le Roy per le petit Cap, & de summon le tenant q̃ il soit al Husting au certaine iour, dont les Justices serr̃ auises, a rendr̃ iudgem̃t de cel default, sit ne la puisse sauer, & sil la puisse sauer, adonq̃s les Justices soient de ceo certifies per lour record, & les Justices per lour record piedent le garr̃.

Memorandum quod iste Articulus in forma pręd' consignatus fuit sub magno sigillo domini E. filij Regis E. anno regn̄ sui nono, & missus Iustic' de banc' in modum breuis patentis, cum quodam breui clauso sub data Regis apud Westm̄ secundo die Maij anno prædicto, quod ipsi omnia & singula in articulo prædicto contenta facerent & exequerentur: Non obstante quod articulus ille in omnibus cum Statuto Gloc' [cap. 12.] non concordat.

¶ Articuli Cleri, ęditi

Anno 9. Edw. 2.

EDwardus Dei gratia Rex Anglię, &c. Omnibus ad quos pręsentes litere peruenerint, salutem. Sciatis quod cum dudum temporibus progenitorum nostrorũ quondam Regum Angliæ, in diuersis Parliamentis suis, & similiter postquam Regni nostri gubernacula suscepimus, in parliamẽtis nostris, per Prelatos, & Clerum Regni nostri, plures Articuli continentes grauamina aliqua Ecclesiæ Anglicanę, & ipsis Prelatis & Clero illata, vt in eisdem asserebatur porrecti fuissent, & cum instantia supplicatum, vt inde apponeretur remedium opportunũ, ac nuper in Parliamẽto nr̃o apud Lincolñ an̄ regni nostr̃ nono, Articulos subscriptos, & quasdẽ responsiones ad aliquos eorũ prius factas, eorum consilio nr̃o recitat̃, ac quasdam responsiones corrigi, & creeris articulis subscriptis p nos & dictũ consiliũ nr̃m fecerimus respondere: quorũ quidem Articulorũ & responsionum tenores subsequunt̃ in hunc modum.

Prohibition 1. cap. 1.

¶ In primis Laici impetrant prohibitiones in genere sup decimis, obuentionibus, oblationib', mortuarijs, redẽptionibus penitentiarum, violenta manuum iniectione in Clericum vel conuersum, & in causa diffamationñ: in quibus casibus agitur ad pœnam canonicam imponendam: Rex ad istũ articulũ respondit, quod in decimis, oblationibus, obuen-

obuentionibus, mortuarijs, quando ſub iſtis nominibus proponuntur, ꝓhibitioni Regiæ non eſt locus: etiamſi, propter detentionem iſtorũ diuturnam ad eſtimationẽ earundem pecuniarũ veniat. Sed ſi Clericus vel Religioſus decimas ſuas in horreo ſuo congregatas, vel alibi exiſtentes vendiderit alicui pro pecũ, ſi petatur pecunia corã Iudice eccleſiaſtico, locũ habet Regia ꝓhibitio, quia ꝑ venditionem res ſpirituales fiunt tẽporales, & tranſeunt decimę in catalla.

Prohibion 2. cap. 2.

Item ſi ſit contentio de iure Decimarum, originẽ habens de iure patronat', & earundẽ decimarũ quantitas, aſcẽdat ad quartã partẽ bonorũ Eccleſię, locum habet Regis ꝓhibitio, ſi hęc cauſa coram Iudice eccleſiaſtico ventiletur. Item ſi Prę̃lat imponat pœnã pecuniariã alicui ꝓ peccat, & repetat illã, regia ꝓhibitio locum habet. Veruntamen ſi Prę̃lati imponãt penitẽtias corporales, & ſic puniti velint hm̃odi penitentias per pecuniam redimer ſpõnte, non habet locũ regia ꝓhibitio, ſi corã Prę̃latis pecunia ab eis exigatur.

Prohibition 3. cap. 3.

Inſuper, ſi aliquis violentas manus iniecerit in Clericũ pro violentia facta, debet emenda fieri coram Rege, pro excõmunicatione vẽr corã Prę̃lato, vbi imponatur penitentia corporalis, quem ſi reus velit ſponte per pecuniam redimere, dand' Prę̃lato vel leſo, poteſt repeti coram Prę̃lato, nec in talibus regia prohibitio locum habet.

Prohi-

Prohibition 4. cap. 4.

In diffamatoribus etiam corrigant Prelati supradict' modo, Regia phibitione non obstante, primo iniungendo pœnam corporalem, qd' si reus velit redimere, libere percipiat Prelatus pecuniam, licet Regia phibitio porrigatur.

Prohibition 5. cap. 5.

Item si aliquis in fundo suo Molendinum erexit de nouo, & postea à rectore loci exigat decima de eodē, exhibetur regia prohibitio sub hac forma: Quod de tali Molendino hactenus decimę non fuerunt solut, prohibemus &c. et sententiam excommunicationis, si quam hac occasione prouulgaueritis, reuocetis omnino. ¶Responsio. In tali casu nunquam exiuit regia phibitio de principis voluntate; qui & decernit talem perpetuo non exire.

Iurisdiction 2. cap. 6.

Item si aliqua causa vel negotium, cuius cognitio spectat ad forum Ecclesiasticum, & coram ecclesiastico Iudice fuerit sententialiter terminat, & transierit in rem iudicatam, nec per appellationem fuerit suspensum, & postmodū coram iudice seculari sup eadē re inter easdē psonas questio moueatur, & probetur per testes vel instrumēta, talis exceptio in foro seculari non admittatur. ¶Responsio. Quando ea de causa diuersis rationib' corā Iudicibus ecclesiasticis & secularibus ventilatur vt supra, patet de iniectione violenter manuū in clericū, dicunt quod (non obstante

ecclesi-

ecclesiastico iudicio) cuī Regis ipsum tractat negotium, vt sibi expedire videtur.

Excommengement 1. cap. 7.

Item litera Regia Ordinarijs dirigitur, qui aliquos suos subditos excommunicationis vinculo innodarunt, qd' eos absoluant infra certum diem: alioquin qd' compareant responſ. quare eos excōmunicauerunt. ¶Responsio. Rex decernit, qd' talis litera nunq̄ in posterū exire permittatur, nisi in casu in quo possit inueniri, lędi per excōmunicationem regiam libertatem.

Residence 1. cap. 8.

Item Barones de Seaccario dñi Regis vendicantes sibi ex priuilegio, quod non debent extra illū locū conquerenti cuicunq; respondere, extendunt illud priuilegiū ad Clericos commorantes ibm̄, vocatos ad ordines, seu ad residentiā, & diocesanis inhibeant, ne aliquo modo, aliquaue ex causa, dū sint in scaccario, & in seruitio dñi Regis, trahant ad iudicium quoūismodo. ¶Responsio. Placet dño Regi, vt Cleric' suis obsequijs intendentes, si delinquāt p ordinarios (vt cęteri) corrigantur, sed tēpore quo occupantur circa scaccar', ad residētiā in suis faciendā ecclesijs non teneantur. Hic additur de nouo, p conciliū dñi Regis. Rex & antecessores sui à tēpore cuius cōtrarij memor̄ non existit, vsi sunt, q̄ clerici suis immorantes obsequijs, dū obsequijs illis intēderint, ad residētiā in suis bñficijs faciēdā minimè cōpellātur: nec debet dici tēdere in ꝓiudiciū ecclesiasticę libertatis, qd' p rege & reub-

republica necessarium inuenitur.

Distr'sse 6. cap. 9.

Item ministri dñi Regis, vt Vic' & alij, ingrediunt feoda Ecclesię ad faciendũ districtionẽ, & aliquando capiunt animalia rectorum in via regia, qndo non habẽt nisi terram pertinentẽ ad Ecclesiam. ¶Responsio. Placet domino Regi[ne] de cętero districtiones fiant hmodi, nec in via regia, nec in feodis, quibus olim Ecclesię sunt dotatæ. Vult tamen districtiones fieri in possessionibus de nouo à personis Ecclesiasticis acquisitis.

Abiuration 3. cap. 10.

Item quandoq; aliqui confugientes ad Ecclesiam abiurant terram, secundũ regni consuetudinẽ, & ꝓsequũtur laici eos, vel inimici eorũ, & à publica strata abstrahuntur, & suspẽduntur, vel statim decapitãtur, & dum sint in Ecclesia custodiuntur per armatos infra cemiteriũ [&] quandoq; infra Ecclesiam ita arctè, ꝙ non possint exire locum sacrũ causa superflui ponderis deponẽdi, nec ꝑmittũ eis necessaria ad victus ministrari. ¶Responsio. Qui terram abiurauerint, dum sint, in strata pulica, sint in pace dñi Regis, nec debent ab aliquo molestari: et dum sint in Ecclesia, custod' eorũ non debent morari infra cemiterium, nisi necessitas, vel euasionis periculũ hoc requirat, nec arctenẽ confugẽ, dũ sint in Ecclesia, quin possint habere vitæ necessaria: & exire liberè ꝑ obsceno pondẽ deponẽdo.

Appeales 6. cap. 11.

Placet etiam dño Regi, vt latrones, vel appella-

pellatores, quecunque voluerint, possint Sacerdotibus sua facinora confiteri: Sed caueant confessores, ne erronicè huiusmodi appellatores informent.

Monasteries 3. cap. 12.

Item petit, quod dns Rex, & regni Magnates, non onerent domos Religiosas, vel Ecclesiasticas personas pro corodijs, pencionibus, vel perhendinationibus faciend' in domibus Religiosis, & alijs locis Ecclesiasticis, carectis & equis sibi mittend', cũ p hoc pdicť domus depauperentur, cultusquè diuinus in hac pte diminuat, & ppter hmdi onera compelluntur sepissimè presbiteri, & alij ministri ecclesiastici, diuinis officijs deputat, à locis recedere supradict. ¶Responsio. Placet domino Regi, quod sup contentis in peticione, de cętero indebitè non onerentur. Et si per Magnates, aut alios contra fiat, habeant inde remedium iuxta formam Statutorũ tempore domini Edwardi Regis, patris domini Regis nunc ęditorum. Et fiat consimile remedium de corodijs & pencionibus per cohersionem exactis, de quibus non fit mentio in statutis.

Excommengement 2. cap. 13.

Item si aliqui de tenura domini Regis vocantur coram Ordinarijs extra parochiam in qua degunt, si propter suam contumaciam manifestam excommunicentur, ac cum post xl dies pro eorũ captione scribatur, prętendunt se priuilegiatos, q̃ extra villam, seu parochiam suã non debent vocari, & sic denegatur breue Regiũ pro captione eorundem.

¶Respon-

¶Responsio. Nunquam fuit negatum, nec negabitur in futurum.

Abilitie & Nonabilitie 1. cap. 14.

Item petitur quod personæ ecclesiasticæ, quas dns Rex ad beneficia pręsentet ecclesiastica, si Episcopus eas non admittat, vtputa propter defectum scientię, vel aliam causam rationabilem non subeant examinationem Laicarum personarum in casibus antedictis, prout his temporibus attentatur de facto, contra Canonicas sanctiones: sed adeant iudicem ecclesiasticum, ad quem de iure pertinet, pro remedio, put iustum fuerit, consequendo. ¶Responsio. De idonietate personę pręsentatæ ad beneficiũ ecclesiasticum, pertinet examinatio ad Iudicem ecclesiasticũ, & ita hactenus vsitatũ, & fiat in futurum.

Election 2. cap. 15.

Item si vacet aliqua dignitas, vbi electio est faciẽda, petitur quod electores liberè possint eligere, absquè incussione timoris à quacunque potestate seculari: & quod cessant preces & oppressiones in hac parte. ¶Responsio. Fiant liberè, iuxta formam statutorum & ordinationum. [Westm 1. cap. 5.]

Clergie 3. cap. 16.

Item licet Clericus coram seculari Iudice iudicari non debeat, nec aliquid contra ipsum fieri, per quod ad periculum mortis, vel ad mutilationem membrorum valeat peruenire, seculares tamen Iudices clericos ad ecclesiam confugientes, & reatus suos fortè confitentes, faciunt abiurare Regnum, & eorum

eorum abiurationes admittunt de illa causa, quamquám eorum iudices super his non existant: Sicq; dat laicis indirectè potestas huiusmodi Clericos cruciandi, si ipsos post huiusmodi abiurationem in Regno contigerit inueniri, super quo petunt Prelati & Clerus tale remedium adhiberi, vt immunitas Ecclesiæ, & personarum ecclesiasticarum conseruetur illesa. ¶Responsio. Clericus ad Ecclesiam confugiens pro felonia p immunitate ecclesiastica obtinenda, si asserit se esse Clericum, regnũ non compellatur abiurare, sed Legi regni se reddens, gaudebit ecclesiastica libertate, iuxta laudabilem consuetudinem Regni hactenus vsitatam.

Clergie 4. cap. 17.

Item quanq̃ confessio, coram illo qui non est Iudex, confitentis locum non teneat, nec sufficiat ad satisfaciend' p̃cessũ, vel sententiã p̃ferendã: quidam tamen seculares iudices, clericos qui de foro suo in hac parte non existũt, reatus p̃prios, & enormes, vtputa furta, roberias, homicidia coram eis confitentes, admittunt accusationẽ illorũ, quam ipsi communiterr vocant appellũ ipsos sic confitentes & accusãtes, seu appellũ faciẽtes non liberant Prelatis eorum post premissa, quanq̃ sup his fuerint sufficiẽt requisit, licet corã eis tuã p confessionẽ p̃priam iudicari vel condemnari nequeant, absq; violatione Ecclesiasticę libertatis. ¶Responsio. Appellator in forma debit tanq̃ clerico p ordinariũ petito, libertat ecclesiasticę benefic' nõ negãbitur.

Nos

Nos desiderantes statui Ecclesię Anglicanę, & tranquilitati, & quieti Prelatorũ & Cleri prædictorum (quatenus de iure̅ poterimus) prouidere ad honore̅ Dei, & emendationem status dictę Ecclesię, & Prelatorum, & Cleri prędictorũ, omnes & singulas responsiones pdictas, ac omnia & singula in eisde̅ responsionibus conte̅tis, ratificantes & approbãtes, ea p nobis & heredib' nostris concedimus, & præcipimus in perpetuum inuiolabiliter obseruari: Volentes & concedentes pro nobis & heredibus nostris, quod pdicti Prelati & Clerus, & eorũ successores in perpetuum in premissis iurisdictione̅ Ecclesiasticam exerceant, iuxta tenorem responsionum prædictarũ, absquè occasione [Ecclesię] inquietatione, vel impedimento nostri, vel nostrorum heredum, seu ministrorum quorumcunque. In cuius &c. Teste &c.

Explicunt Articuli Cleri.

¶ Statutum Eborac', edit̃
Anno 12. *Edw.* 2.

PUr ceo q̃ plusors gentes du Roialme Dengleterre, et de la terre Direland, ont auant ceux heures souent soytes, suffertes mischiefe, damage, et disherisons, per encheson de ceo q̃ en

ascun

aſcun caſe ou default fuit en ley, remedie ne fuit ordeigne: et auxint pur ceo q̃ aſcuns points des eſtatutes auant faits auoyent meſtier declariſemẽt: Noſtr̃ ſeignior le Roy Edward, fitz au Roy E. deſirant plenier droit eſtre fait a ſon people, a ſon parliamẽt a Euerwicke, a troys ſemaignes de ſaint Michell, lan de ſon reigne 12. q̃ aſſent des Prelates, Countees, Barons, & le Cõmunaltie de ſon Roialme, illonq̃s aſſemblies, fiſt les eſtabliſhm̃ts, & les eſtatutes, q̃ux ſenſuiont, les q̃ux il voit q̃ en le dit Roialme, & en la dit terre ſoyent firmement tenus.

Aſſiſe 8. cap. 1.

Enprimes, pur diuers miſchieſes queux ount eſte, de ceo q̃ les tenants en Aſſiſes de Nouel diſſeiſ. ne puiſſent auãt ceux heures faire Attournies. Accord eſt, q̃ les tenants en Aſſiſes de Nouel diſſeiſin puiſſent faire Attournies. Et ne entend my le Roy per tant que les tenants & les defẽdants en Aſſiſe de Nouel diſſ. ne puiſſent pleder p̃ bailiffs ſuis voillent, come auant ſoient.

Witneſſe 1. cap. 2.

Et enſement accord eſt, q̃ quant charter, quite claim̃, acquitance, ou auter eſcript ſoit deduit en la court le Roy, en queux ſont teſmoigñ noſmes, ſoit proces fait de faire veñ les teſmoignes, come auãt ad eſte vſe, iſſint q̃ ſi nul veigne a la graund̃ diſtres ſur eux retorne, ou retorne ſoit q̃ ils nont riens, ou ne ſont troues: que adonques ne ſoit leſſe le priſe del enqueſt p̃ abſẽce de ceux teſmoigñ.

Et si les tesmoignes deignont p le graund distresse, & lenquest per ascun encheson, remeine apprendre, soit mesme le iour done a ceux tesmoignes q̃ux issint viendront, q̃ est done a lenquest prendr̃: A q̃l iour si les tesmoignes ne diẽdront, soient iour issues prises sur eux retornes forfaits, & la prise del enquest ne remanã a prender pur iour absence. Et pur le absence des tesmoignes, q̃ux sont deins franchises, ou dẽ le roy original ne court, ne soit le prise del enquest lesse.

Nisi prius 3. cap. 3.

Et come il soit conteigne en lestatute fait a Westminster, le second iour de Aprill, lan du raigne le Roy, pier nostre seignior le roy que ore est xxbij. [de Finibus leuatis cap.4.] q̃ les Enquestes & les reconusances deuant Justices de iun banke & de lauter aiudges fussent prises deuant ascun des Justices des places, associe a luy vn chiualer del coũtie ou les enquestes serront apprendres, si les enquestes ne fussent de graunde examinemẽt, & q̃ en tiels enq̃stes soit fait sicle les Justices vieront q̃ soit affaire au pfit du Roialme, le q̃l estatute ad mestier destre mieux declare. Accord̃ est, q̃ les Enquestes & Juries, q̃ux serront ou soient apprẽdres en plee de terre, q̃ux ne sont mye de graunde examinement, soyent prises en pays deuant vn Justice del place ou le plee est, associe a luy vn probe home del pais, chiualer, ou auter, issint q̃ certeine iour soit done en banke, & certein iour & lieu en pays, en preseẽce des parties,

parties, si le dōant le prie. Et auxy les Enquestes & Juries en plée de terr, q̃ demaūde graund examinement, soyēt priles en pays, en la forme suisdit, denāt deux Justices de bāk.

Nisi prius 4. cap. 4.

Et eit le Justice, ou les Justices poyar de recorder nonsuites & defauts en pays, as iours & lieux q̃ux serront assignes, sicōe devis est dit. Et ceo q̃ ils aueront fait en les choses suisdits, soit report en bank au iour done, & illonq̃s enrolle, & sur ceo iudgement rendus. Et nentendū my le Roy, q̃ les dits Enq̃stes & Juries ne puissent estre priles en bank sils veignont, ne q̃ cest estatute soy entēde as graund Assiles. Et auxy vn Justice de iun place, ou de iauf, associe a luy vn prode home du pays, chiualer ou auter, a la requeil del pr preigna les enq̃sts des plees pleies, & a pleder, q̃ux sont moues p attachment, & distres, & eit poyar de recorder nonsuits, cōe deuis est dit, & prēder les enq̃sts p defauts illonq̃s faits. Et quāt a les Assiles de Darrein pl̃entment, & les enq̃sts sur bēe de Quare impedit prendres, soit fait cōe est conteign̄ en le ij. estatute de westminster cap. 30. Et eyent les Justices poiar a recorder nonsuits & defauts en pais, & sur ceo iudgemt don̄ coune en bank, & soit report en bank ceo q̃ ils ont faits, & illonq̃s soient inrolle. Et si aueign̄, q̃ le Justice, ou les Justices, q̃ux sont, ou front assignez da prendre les enquestes en pays ne veygnont, ou si veign̄ en pays au iour assigne iademaines,

les parties & les gentes des enquestes gardent lour iour en banke.

Retournes &c. 3. cap. 5.

Et pur ceo q̃ souent pleints ont este faits en la Court le Roy, que les retornes queux Bailifes des fraunchises, q̃ux ount pleins retourne del brieſe le Roy, ount liueres as biconts, apres ont este chaſiges, & en auter maner retornes en la court del Roy, a dam des ascuns des parties, & en delayance de droiture. Accorde est, que des retournes, queux desore se ferront as biconts per baylifes de tiels franchises, soit fait Indēture perenter le baylife del fraunchise, nosme per son proper nosme, & le bicont nosme per son pper nosme. Et si le bicont change le retorñ issint liuere a luy per Indenture, et de ceo soit attaint al suit del seignior du franchise, dont il ad tiel retorne resceiue, si le seignior auer̃ damages encurrue, ou sa fraunchise soit emblemy, et a le suit del partie q̃ auera damages encurrue per cel enchelon, soit punie deuers le Roy come de faux retorne, & rendu al seignior & a la partie damages au double. Auxint est accordu, que desore, les bir̃, ou auters baylifes q̃ux resceiuont bēes le Roy retorñ en sa court, mittent lour proper nosmes oue les retornes, issint que la court puit scauer a que ils prendront tiels retornes, si mestier soit. Et si ascun bicont ou auter baylife en ses retornes enterlesse son nosme, soit il gresuousement amercie al oeps del Roy.

Vittales

Vittailes 1. cap. 6.

Enſement pur common profit du people accorde eſt, q̃ nul miniſter en Citie, ne Borough, que per reaſon de ſon office doit gard Aſſiſes des viuers, & des vitailes, entaunt come il ſerra attendant a cel office, ne merchandizer Aunes ne Vittailes en groſſe ne a retaile. Et ſi aſcun le face, & de ceo ſoit attaint, le merchandize dont il ſerra attainte ſoit forfait au Roy, & la tierce part ſoit iuere, come del done le Roy a celuy a q̃ ſuit le treſpaſſor ſerra iſſint attaint. Et en tiel caſe ſoit reſceiue celuy que voudra ſuer pur tiel choſe atteint. Et Chauncellor, Treaſorer, Barons del Eſchequer, Juſtice de lu banke et de iauter, & Juſtices aſſigne as Aſſiſes prender, reſceiuent tielx pleints per briefes, et ſans bres, & les terminent, & parfacent toutes les choſes conteigne en tel article en le forme auantdit. Et iadenaines puis le Roy aſſigñ ſes Juſtices a cel choſe perfaire en Cities, & Boroughes, quant, & la ou luy pierra.

Explicit Statutum Eborac'.

¶ Statutum de Essoiñ culumniand', ędit̃ *Anno* 12. *Edw.* 2.

Essoine 11. *cap.* 1.

HIc demonstratur quot modis Essoiñ sunt calumniand', & in quibus casibus essoiñ non iacet: videlicet, non iacet Essoiñ, quia terra capta est in manũ dñi Regis. Non iacet essoiñ, quia districtus est p terras. Non iacet essoiñ, quia concessum est hinc iudiciũ, si Iurata veniant. Non iacet essoiñ, quia visus fuit in curia. Non iacet de vltra Mare, quia alias se essoniauit de malo veniendi. Non iacet, quia alias se essoniauit tali die. Non iacet, quia pręceptũ fuit Vicecomiti, quod faceret eum venire. Non iacet de seruitio dñi Regis, quia fæmina, nisi quia nutrix, obstetrix, aut mittatur per breue ad ventrem inspiciẽdam. Non iacet in breui de Dote, quia videtur deceptio, & prorogatio iuris. Non iacet, quia talis querens non inuenit plegios de ꝓsequendo. Non iacet, quia Attorñ fuit essoniatus. Non iacet, quia habet Attorñ in loquela. Non iacet, quia essoniator testat̃, quod non est in seruicio dñi Regis. Non iacet, quia sum̃ testificat̃ non est, vel pars non attachiat̃, eo qd' Vicecomes mandauit quod non est inuentus. Non iacet, quia alias se essoniauit de seruicio dñi Regis, scilicet, tali die [et] modo non misit warrantiam. Non iacet, quia resum̃ fuit in vltima p̃sentatione, vel morte antecessoris. Non iacet, quia talis non nominatur in br̃i.

Non

Non iacet, quia preceptum fuit Vicecom̃, quod distringat eum venire per terras & catalla. Non iacet, quia mandatũ fuit tali Episcopo, quod faceret eum venire. Non iacet, quia terminus preterijt. Et sciendũ est, quod Esloin̄ de seruitio domini Regis allocantur post magnum Caß, post paruum Caß, & post districtiones factas per terras & catalla.

¶ Prærogatiua Regis, edit̃ *Anno* 17. *Edw.* 2.

Wardes 13. *cap.* 1.

DOminus Rex habebit custodiam, omnium terrarũ eorum qui de ipso tenent in Capite per seruitium Militare, de quibus ipsi tenentes fuerunt seisiti in dominico suo vt de feodo, die quo obierunt, de quocunque tenuerint per hm̃odi seruitium, dum tamen ipsi tenuerint de Rege aliquod tenẽt ab antiquo de Corona, vsque ad legitimam etatem heredis, exceptis feodis Archiepiscopi Cantuariensi, Episcopi Dunolm̃ inter Tine & Tile, feodis Comitat̃, & Baronũ de Marchia, de terris in Marchia vbi breuia dñi Regis non currunt, & vnde prædicti Archiepiscopus, Episcopus, Com̃, & Baron̄, habeant hm̃odi custodiam: licet alibi tenuerunt de Rege.

Wardes 14. cap. 2.

Item Rex habebit Maritagium hered' infra etatem, & in custodia sua existent, sine tenę hered' eorundem, sint ab antiquo de Corona, siue de eschaetis, quę sunt in manu dñi Regis, siue habuerint Maritagium ratione custodiæ terrarũ dominorũ eorundem heredum, nullo habito respectu ad prioritatem feoffamenti: licet de alijs tenuerint.

Primer seisin 1. cap. 3.

Item Rex habebit primam seisinam post mortem eorũ, qui de eo tenent in capite, de omnibus terris & tenitis, de quibus ipsi fuerunt seisiti in dñico suo vt de feodo, cuiuscunque etatis heredes ipsorũ fuerint, capiendo omnes exitus eorundem terrarũ & tenementorũ, donec facta fuerit inquisitio, prout moris est, & ceperit homagium huiusmodi heredum.

Women 2. cap. 4.

Item assignabit viduis post mortẽ virorum suorum, qui de eo tenuerint in capite, dotem suam quę eis contingit &c. licet heredes fuerint plenę etatis, si viduę illæ voluerint Et viduę illę ante assignationẽ dotis suę p̃dict', siue hered' plenę etatis fuerint, siue infra etatem, jurabunt q̃ se non maritabũt sine licẽtia Regis. Et si se maritauerint sine licentia Regis, tunc Rex capiet in manũ suã nomiñ districtionis, omnes terras & tenementa, quę de eo tenent in dotem, donec satisfecerint ad voluntatẽ dñi Regis, ita quod ipsa mulier nihil capiet de exitibus &c. quia [al' quousq;] per

hmodi

hmodi districtiones huiusmodi mulieres, seu viri earũ finem faciant Regi ad voluntatem suam. Et illa voluntas tẽpore regis Henrici, patris Regis E. estimari consueuit ad valentiam pdictę dotis p vnum annũ ad minus, nisi vberiorẽ gratiam habuerint. Mulieres quę de Rege tenent in capite aliquam hereditatem, iurabunt similiter (cuiuscũq; fuerint ętatis) qd' se non maritabunt sine licentia Regis. Et si fecerint, terrę & tenemẽta ipsarum eodem modo capiantur in manũ dñi Regis, quousq; satisfacerint, ad voluntatem domini Regis. [Magna charta cap. 7.]

Partition 1. cap. 5.

Et si vna hęreditas, quę de Rege tenetur in capite, discendat plurib' participibus, tunc omnes illi hęredes faciant homagium Regi, & illa hęreditas quę de Rege tenetur, participabitur inter hęredes illos, ita quilibet eorũ extunc partem suam tenebit de Rege.

Wardes 15. cap. 6.

Si Mulier ante mortẽ antecessoris sui qui de Rege tenet in capite, ante annos nubiles maritata fuerit, tunc Rex habebit custodiam corporis illius mulieris vsque ad ętatem, qd' consentire possit: & tunc eligat ipsa vtrum maluerit habere virum illũ, cui prę maritata fuerit, vel alium, quem Rex ei obtulerit.

Alienation without licence 1. & 2. cap. 7.

Nullus qui de Rege tenet in capite per seruitium Militare, potest alienare maiorẽ partem terrarũ suarũ, ita qd' residuum non sufficiat ad faciendum seruitium suũ, sine licentia

Regis.

Regis. Sed hoc non consueuit intelligi de membris & particulis earundem terrarum.

De Serieantijs alienatis sine licentia Regis, consueuit Rex arentare hmodi serieantias per rationabilem extetam inde faciendam.

Aduowson 2. cap. 8.

De Ecclesijs vacantibus, quarū aduocationes spectant ad Regem, & alij presentauerint ad easdem, ita qd' contentio inter dominum Regem & alios oriatur: Si Rex p consideratione Curiæ presentatione suam recuperauerit, licet post lapsū sex mensiū à tepore vacationis, nullū occurrit ei tempus, dum tamen Rex psentauerit infra tepus sex mensiū.

Fooles 1. cap. 9.

Rex habebit custodiam terrarū fatuorum naturalium, capiendo exitus eorundem, sine vasto & destructione, & inueniet eis necessaria sua de cumscunq; feodo terre illę fuerint. Et post mortem eorū reddat eam rectis heredibus, ita ꝙ nullatenus p eosdē fatuos alienentur, nec qd' eorū hered' exheredentur.

Fooles 2. cap. 10.

Item Rex prouidebit, quando aliquis qui prius habuerit memoriam & intellectū, non fuerit compos mentis sue, sicut quidam sunt p lucida interualla, qd' terr & tenemta eiusdem saluo custodiantur, sine vasto & destructione, & qd' ipsi & familia sua de exitibus eorundē viuant & sustineant competenter, & residuū vltra sustentationem eorundē rationabiliter custodiatur, ad opus ipsorū, liberand' eisdē quando memoriā recuperauerint,

ita

ita qd' ꝑdict' terre & tenta infra ꝑdictũ tempus nullatenus alienentur: Nec Rex aliquid de exit percipiat ad opus suum. Et si obierit in tali statu, tunc illud residuum distribuatur pro anima eiusdẽ, per consiliũ Ordinarij.

Wrecke 2. *cap.* 11.

Item Rex habebit wreccum Maris per totũ Regnum, Balenas, & Sturgiones captos in Mare, vel alibi infra Regnum, exceptis quibusdam priuilegiatis locis per Reges.

Escheat 1. *cap.* 12.

Item habebit eschaetas de terris Normannorum, cuiuscunque feodi fuerint, saluo seruicio quod pertinet ad capitales dominos feodi illius. Et hoc similiter intelligendũ est, si aliqua hæreditas discendat alicui nato in partibus transmarinis, & cuius antecessores fuerunt ad fidem Regis Franciæ, vt tempore Regis Iohannis, & non ad fidem Regis Angliæ: Sicut contingit de Baronia Monumentę post mortẽ Iohannis de Monumenta, cuius heredes fuerint de Britannia, & alibi. De feodis aliorum recuperauit Rex Henricus, plures eschaetas de terris Normannorũ occasione prædicta, & eas contulit tenend' de capitalibus dominis feodi per seruitia inde debita & consueta.

Intrusion 1. *cap.* 13.

Quando aliquis, qui de Rege tenet in Capite in fata decedat, & heres eius ingrediatur tesi, quod antecessor suus tenuit de Rege die quo obijt antequam fecerit homagium Regi, & seisinam suam ceperit per Regem:

tunc

tunc nullum accrescit ei liberũ tenement. Et si obierit seisitus p idem tẽpus, vxor eius non habebit dotem de tenemẽto illo: Sicut contingit de Matilda filia Comitis Hereford' vxoris Maunsell' Marescalli, qui post mortẽ Wilhelmi Marescalli Anglię fratris sui, cepit seisinam Castri & manerij de Scrogoill', et obijt in eodẽ Castro, antequam intrasset per Regem, & fecisset ei homagiũ, & vnde concordatum fuit, q̃ vxor non haberet dotem, eo qd' vir suus non intrauit per Regem, vero per Intrusionem. Sed hoc non intelligatur de [Eschaetis alias] Socagio & paruis tenuris.

Forfaiture cap. 14.

Item Rex habebit Eschaetas de terris libere tenentiũ Archiepiscopor', & Episcoporũ, quando ipsi tenentes damnati sunt pro felonia facta tẽpore vacationis, dũ temporalia eorũdem fuerint in manu domini Regis, conferend' cui voluerit imperpetuum: Saluo seruitio quod ad dictos Prelatos inde pertinet & fieri consueuit.

Patents 3. cap. 16.

Quando dominus Rex dat vel concedit alicui manerium vel terram cũ pertinentijs, nisi faciat in charta sua vel scripto expressam mentionem de feodis Militum, aduocationibus Ecclesiarum, & dotibus cum acciderint, ad p̃dictum manerium vel terram pertinent, tunc his diebus Rex reseruat sibi eadem feoda, & aduocat', cum dotibus: licet inter alias personas non fuerint obseruata.

Forfai-

Forfaiture 3. cap. 17.

Item Rex habebit omnia catalla felonum damnatorũ & fugitiuorũ, vbicunq; fuerint inuenta. Et si ipsi habent liberũ tenũ, tunc illud statim capietur in manũ dñi Regis: Et Rex habebit omnes exitus eiusdẽ per vnũ annum & vnum diem, & tenementũ illud vastabitur & destruetur de domibus, boscis, & gardinis, & alijs quibuscũque ad ꝑdictũ tenementũ spectantia, exceptis hominibus quorundam locorum priuilegiatorũ inde per Regem. Et postquam dñs Rex habuerit annum, diem, & vastum, tunc reddatur tenũ illud capitali dño feodi illius, nisi pri' faciat finem ꝓ anno, die, & vasto. De consuetudine tamen dicitur, quod post annum & diem, terre & tenementa felonũ in Gloc' reddentur & reuertẽtur ꝓxim̃ heredi, cui debuerant discẽdere, si felonia facta non fuisset. Et in Kanc' in Gauelkind: (The father to the bough, the sonne to the plough) Ibidem omnes hered' masculi participabunt hereditatem eorum, & similiter feminæ, sed feminæ non participabunt cũ masculis. Et Mulier habebit post mortem viri medietatem pro dote sua. Et si mulier fornicetur in viduitate, perdet dotem suam, vel si sit disponsata viro.

Explicit Prerogatiua Regis.

¶ Incipit

¶Incipit Statutum de Magna Assisa iniungend' siue Duello.

VOus deues sauoir ou graund Assise se ioint, & battaile nient, ou battaile se ioint, & graund assise nient, & ou lun ne lauter ne se ioient. Graund assise se ioint & battaile nient, lou vn hõe vend terre a vn autr̃ p chart̃, & celt purchaser vend celt terr̃ ouster, & nad niẽt pluis de terr̃, & il rend la charter dont il est enfeoffe, vient le heire le primer feoffour & luy emplead, il ne purr̃ mes la sekint efendere p le corps son frank hom, mes il se purr̃ mettr̃ en Dieu & en la graũd assise. Battaile se ioint & graund assise nient, la ou le vouchée est infeoffe, & vouche son feoffor a garr̃ p chte q̃ il aũ de luy, il purra dedire sa chte per le corps son frank home, & la ne gist pas graund assise, mes battaile. Auxint graũd assise ne se ioint pas entr̃ parents auãt q̃ ils soiẽt passes le tierce degré la ou ils claiment p vn m̃ la discent. Mes battaile se ioint enter freres, la ou lun est fresse p charter, & lautr̃ claime p discent. Et ou lun ne lauter ne se ioint, niẽt la ou le demaũdãt claim̃ a teñ en frank mariage, en frank Burgage, ou en frankk socage, ou en Gauelkind cõe en Kent, ou en autr̃ mass, cõe si le dõant demaunde forsq̃ petite chose, cõe vn acre de tre, ou demy tolt, ou croft, dõq̃ p assẽt dez pties, ou p agz dez Justices, ci poient ilz conseiler en vn Jur̃ de bones franks hões & loialx, pur esparer le trauail & le serem̃t de bonez chiualers, & ils ferrõt le serem̃t sans delay dõt ils dirr̃ voier a lour assient.

[Veies le Vieux natur̃ des brẽs fo. 1.] Anno

Addition 1. cap. 5.

Item ordeine est & estables, que en chescun briefe original des actions personels, appeales, & endictments, et en quex exigendo serra agardé q̃ auxp nosme des defendants en ticls brieſes originals, appeales, & endictments soient faits addition de lour estate, ou degré, ou de mistere, & les villes ou hamlettes, lieux, & les Countiés de quex ils fueront ou sont, ou en quex ils sont ou fuerent conuersantes. Et si per proces sur les dits brees originals, appeales, ou endictm̃ts, en q̃ux les dits Addicions soient enterlesses ascuns vtlagaries soiet pnouncies, q̃ ilz soient voides, irrites, & tenus pur nul. Et q̃ auant les vtlagaries pronoficies les dits brees & endictm̃ts soiet abatus per exception du partie, per la ou en ceil les dits addicions soient enterlesses.

2 Puruiew toutz fois, que mesqz les dits brieſes d'actions personels ne soient accorbants as recordes, & faits p le surplusage de addicions suisdits, q̃ pur cel cause ils ne soient abatus. Et q̃ les Clerkes del Chãcellarie, south q̃ nosmes ticls brees illeront escriptes, ne enterlessent ne facent omission des dits additions, come desuis est dit, sur peine destre punis, & faire fine al Roy p discretion de le Chauncellier. Et commencera cest ordinance a tener lieu al suit de ptie, de la feast de saint Michael pcheine ensuant.

Anno

Forcible entrie 3. cap. 9.

ITem come per le noble Roy Richard nadgaires Roy Dengleterre, puys le conquest second, a son Parliament tenus a Westminster lendemaine des Ximes, lan de son Reigne 15. [cap. 2.] enter auters choses ordeines soit & establies, q̃ les estatutes & ordinaunces faits & nient repelles de ceux q̃ sount entries oue force main & armes en aiscuns terres, tenements, ou auters possessions quicunque, et lour tenement ruis oue force & armes, et de ceux que sont insurrecions, riots, routes, chuances, & assembles en disturbance de la peace nostre sire le Roy, ou de la common Ley, ou affray de son people, serroiet tenus & pleinement & duement executes.

2 Et ouster ces ordeigne est p mesme lestatute, que touts les foites q̃ tiels forcible entries soient faits, & pleint ent beigñ au Justices du peace, ou ascũ deux, q̃ mesmes lez Justices ou Justice preignet ou preigñ popar del Countie, & voisent ou voise al lieu ou tiel force soit fait.

3 Et sils trouent, ou troue aiscuns tegnantes tiel lieu forciblement apres tiel entrie fait, soyent prises & mises en prochein Gaole, a p demurrer conuicte de record de mesmes les Justices ou Justice, tanq ils eyent fait fine & ransome au Roy.

4 Et q̃ touts gents de Countie, citeins Visconts come auters, soient entendants

as dits Justices, & de eux enforcer pur arrester tiels malefaisors sur peine de prisonment, & de faire fine & ransome au Roy.

5 Et q̃ en m̃ le mas soit fait de ceux q̃ sont forcibles entries en benefices ou offices de saint Esgilise, cõe en m̃ le estatute est conteine plus au pleine.

6 Et p tãt q̃ le dit estatute nestenũ mye as entries en tenements en peacible maner & apres teñ oue force.

7 Ne, si les plons que entreint oue force, ou aff sie tres ou tenemẽts, soit de tout le [illegible] & bailers denãt le venue de dits Justices ou Justiz come devant.

8 Ne nul peis ordeine, si le viscount ne obey mye les cõmandemẽts & preceptes des dits Justiz pur execut lordinance suisdit.

9 Plusours extorcemenses et forcibles entries sont faits de iour en auter, en terres & tenemẽts, p ceux que droit nont.

10 Et auxy diũs dones feoffemẽts, & discõtinuãces aff soitz faits as ffirs & aux plõz puissãts & extorciosis deinz les dits cõtiez, ou ils sont conusãtz, pur maintenãce avoir, & aff soits as tielz plõs ensy oustes, disconsiel entent, pur delayer & defrauder tielz notureiz possessours de lour dẽt & recouerers a touts tours, a finall disherison de piusors des mesmes foialz lieges nre seigniour le roy, & semblabl est dencresser de iour en auter, si due remedy ne soit purueiu en cel party.

11 Nostre Seigniour le Roy considerãt

les premisses, ad ordeine q̃ le dit estatute & touts auters estatutes de tiels entries ou alienations devant faits, soient tenus & duement executes.

12 Adioustant a icelles, que desore en avant, si ascũ face tiel forcible entrie en terres, tenements, ou auters possessions, ou eux teigne forcibliemẽt apres compleint ent fait deins mesm le county lou tiel entrie soit fait as Justices du peace, ou a vn deux p la partie greue, que les Justices ou Justice enly garnie, deins temps covenable facent ou face duement executer le dit estatutes, & ceo as costages de la ptie enly greue.

13 Et ouster ceo, coment q̃ tiels persons faisants tiels entries, soient presentes ou voids devant le venue des dits Justices ou Justice, maintenant mesmes les Justices ou Justice, en ascun bon ville, pius, pcheins as tenements ensi entres, ou en ascun lieu covenable, solonqz lour discretion, eyent, & cheascun deux eyt authoritie & poyar denquirer p les gentes de mesme le Countie, aussi bien de ceux q̃ font tiels forcibles entries en terres & tenements, come de ceux que eux teignent one force.

14 Et si trove soit devant ascun de eux, que ascun face le contrarie de cest estatute, adonq̃z les dits Justices ou Justice, facent ou face reseiser les frees ou tenemẽts ensi entries, ou tenus come devant, & metter la ply ensi ouste en pleine poss. de m̃z les terres ou tenemẽts come devant entres ou tenus.

15 Et

15 Et si ascũ pson apres tiel entrie en terres ou tenemẽts tenus oue force, face feoffement, ou aut discontinuance, al ascun sũr ou auter pson pur maintenance auoir, ou pur toller & defrauder le possessor de son recouery en ascũ maner, si apres, en assise ou aut action ent estũ prise ou pursue deuant Justices des Assises, ou auts Justices du Roy quicunq; per due enquer ent apprendre, pur tant ement estũ proue, mesmes les feoffements & discontinuances estũ faits pur maintenãce, cõe desuis est dit, q̃ adonq̃z tieux feoffements, ou auters discontinuances ensi come deuãt faits, soiẽt voides, irrites, & tenus pur nul.

16 Et auxy q̃ũt les dits Justices ou Justice ferront tieux enquires cõe deuãt, facent ou face iour garrants & precepts, directes as Viscount de mesm le Countie, luy commandant deper le Roy de faire venir deuant eux, & chescun deux, persons sufficiants & indifferents plus procheine demurrants enter les tenemẽts ensi entres, cõe deuant, denquirer de tieux entries.

17 Dont chesũ q̃ serũ empanell' denquirer en celle partie, eit terũ ou tenũt dãnuel value de xl.s. p an au meines, oustũ les reprises.

18 Et que le viscont retornã issue sur chescũ deux a iour de primer precept retornable xv.s. & al second iour xl.s. & al tierce iour C.s. & a chescun iour aps le double. Et si ascũ Vistũ ou Bailife deins franchise eiant retorne de bre du Roy, soit lache, & ne face ement exeũ des dits pcepts a luy directes

pur tielx enquires faire, que il forfait deuers le Roy xx. li. pur chescun defaut, & ouster fait fine & ransome au Roy.

19 Et q̃ auxybien les Justices ou Justice auantdits, cõe lez Justices des assises a lour venir en pays, pur assises p̃nder, eient, & chescũ de eux eit, poiar doier & terminer tiels defauts & negligences des dits Vicoũts & bailifes, & chescũ deux, auxibien p bill' al suit del partie greue, pur luy mesme, come pur le roy a suer, come per enditement apprendõ pur le Roy solement.

20 Et si le Viscont ou bailife soit duement attaint en cel partie per lenditemẽt, ou p bille, que celuy q̃ sue pur luy & pur le Roy, eit la moitie del forfaiture de xx. li. ensembement oue les costages & expences.

21 Et q̃ mesme le pces soit fait vers tiels endites ou sues p bill en cel pty, sicõe serront vs endites ou sues p bre de Trs̃ oue force & armes encoũtr̃ la peace de nr̃e sr̃ le Roy.

22 Et ouster ceo, si ascũ pson soit ouster ou disseisie de ascuns terres ou tenements ou forcible maner, ou ouste peaceablement, & apres tenus dehors oue fort maine & armes, encounter la Justice du peace, ou apres tiel entre ascũ mañ ent soit fait pur defraude & toller le dr̃t del possessour, q̃ la pty greue en celle partie eyet Assise de Nouel disseisin, ou briefe de Trespas vers tiel disseisour.

23 Et si la partie greue recouere per assise, ou per action de Trs̃, & troue soit per vbis ou en auter maner per due forme de ley, pur

la partie defendant entr̃ oue force en terres & tenements, ou eux per force apres son entrie tiendra, que le pl̃ recouera ses damz au treble, vers le defendant.

24 Et ouster ceo, que il face fine et ransome au Roy.

25 Et que Mayors, Justices, ou Justice de peace, Viscounts, & Bailifes de Cities, & Boroughes, ayants franchise, eiant en les dits cities, villes, & boroughes autiel poyar de tiels entries ouster, & en auters articles desuis dits emergentes deins icelles, come ont les Justices du peace & Viscounts en counties & pays suisdits.

26 Puruiew touts foits, q̃ ceux que gardent per force lour possessions en ascũs terres ou tenements dont ils ou lour auncestors, ou ceux queux estate ils ont en tiels terres & tenements ont continues lour possessions en icelles, per trois ans ou plus, ne soyent impe endam̃ p force de cell̃ estatute.

Anno 23. H. 6.

Shirifes 4. cap. 10.

ITem le Roy considerant les graundes periurie, extorcion, & oppression, q̃ur sont & ont este en cest Roialme per ses Viscounts, south Viscounts, & lour Clerkes, Coroners, Seneschals des fraunchiles, bailifes, & gardeins des prisons, & auts officers en diuerses Co̅ties de cest Roialme.

2 Ad ordeine per lauthoritie suisdit en escheawing de touts tiels extorcions, pirrie, e oppression, q̃ nul Viscont iesse a ferme en ascũ mañ son County, ne ascun de ses bayliwikes, hundreds, ne wapẽtakes, ne q̃ les dits Visconts, south disk, bailifes des franchises, ne ascun auter bailifes retourne sur ascũ dẽe ou p̃cept a eux direct de retourñ, ascuns Enq̃ts, en ascũ panell sur ceo destre fait, ascũs bailifes, officers, ou seruants, e ascũ de les officers suisdits, en ask̃ panel p eux issint affaire, ne q̃ nulk̃ dez officers e ministers p occasion, ou soubs colour de lour office, p̃igne ask̃ auk̃ chose, per eux ne p ascũ autẽ pson a lour vse, p̃ñt, ou auail, dask̃ pson p eux, ou ascun deux destẽ arrestus, ou attaches, ne de nul auk̃ p eux, pur la iesser dascũ arrest ou attachm̃t destre faitz p lour corps, ou ascũ person per eux, ou ascũ deux, p force ou colour de lour office arrest̃ ou attaches pur fine, fer, sewet del prison, mainprise, iesance a baile, ou monstrance ascũ eale ou fauour a ascũ tiel person issint arrestus ou arrestẽ pur lour regarde, ou profite, sinon tiel come ensuit, cest assauoir, pur le viscont xx.d. le baylife q̃ face larrest ou attachment iij.d. e le gaoler si le prysoner soit commis a la garde iij.d.

3 Et que le Viscont, south biscont, clerke de disk, seneschalk, ou bailife de fraunchise, seruant au bailife, ne Coroner, preigne per colour de son office per luy, ne per ascun auter person a son vse, dascun person pur le

seisour dascun retourñ ou panel ascñ chose, & pur le copie dun panel iiij. ñ.

4 Et que les dits Viscounts, et toutes auters officers & ministers auantdits, lesseront hors de prison, toutes maners des persons per eux, ou ascun deux arrestes, ou esteants en lour garde per force dascun bre, bill, ou garrant, en ascñs actions personels, ou per cause dendictment de trespas, sur reasonable suertie de sufficiants persons, ayants sufficiant deins les counties lou tiels plons sont illint lesses a baile ou mainprise, de garder lour iours, en tiels lieux, come les dits brieves, bils, ou garrants requirent: tiel person ou persons que sont ou serront en lour garde per condempnation, execution, Capias vtlagatum siue excommunicatum, suertie de la peace, et toutes tiels persons que sont ou serront commis a garñ, & p especial commaundment dascun Justice, & bagarants refusants de seruire, solonq la fourme de lestatute de Labourers tantsolement except.

5 Et que nul Viscount, ne nul de ses officers ou ministers suisdit, preigne, ou face de prendre, ou faire, ascun obligation pur ascun cause suisdits, ou colour de lour office, sinon tantsolement a lour mesmes, dascun person, ne per ascun person, q̃ soit en lour garñ, per le cours de la ley, forsq̃ sur le nosme de lour office, & sur condition escrie, q̃ les dits prisoners appergeront a le iour contenus en les dits brieves, bils, ou garrant, et en

tiels lieux ou les dits briefes, bills, ou gars requires.

6 Et si ascũ des dits Visconts, ou auters officers, ou ministers suisdits, preigne ascũ obligation en auter forme, p colour de lour offices, q̃ il soit voide. Et q̃ il ne preigñ plus qur le feasans dascun tiel obligaĩ, garrant, ou precept per eux destre fait forsq̃ iij. ñ.

7 Et auxint q̃ chescũ de les dits biscounts face annuelment vn deputie en les Courts du Roy de sa Chauncery, le Banke, & Lescheqquer, de record, deuant que ils retornent ascũs brẽs, de receiver touts maners des brẽs & garrants a eux deste delivereś.

8 Et q̃ touts biscounts, south biscounts, clerkes, bailifes, gaolers, coroners, senechals, bailifes des fraunchifes, ou ascun auters officers ou ministers q̃ux font le contrarie de cest ordinance en ascũ point dicelk, perdeẽ al pty en icelk endam̃ ou greue, les trebles dam̃s, & forfaiteẽ la summe de xl. li. & chescũ temps q̃ eux, ou ascun de eux font le contrarie dicelk, en ascũ point dicelk: dont le Roy dauer lun moitie, ceo deste emploies al vse de son hostelk, & en nul auter maner, & la party q̃ ceo voit suer lauter moitie.

9 Et que les Justices des Assises en lour Sessions, Justice de lun banks & de lauter, & Justice de peace en lour pays, eyant poar denquirer, oyer et terminer del office sans especial commission, de & sur touts yceux q̃ ferront le contrarie de cestes ordinances en ascun article ou point dycel.

10 Et

10 Et si les dits Miscounts retournent sur aucũ person Cepi corpus, ou Reddidit se, q̃ ils soyẽt chargeables dauer les corps des dits persons a les iours des retournes des dits brẽs, bils, ou garrants, en tiel fourme come ils fuerent deuãt la fesans de ceo act.

11 Puruiew touts foits que per cest present ordinãce le Gardeine del gaole du Roy de Fleete, e del Paleis du Roy a Westminster, pur le temps esteant, ne soit endamage ne prudice en son duitie de son office: Et auxint que cest ordinance commences al feast de Pasche, que serra en lan nostre Seignior 1446.

Anno 4. Hen. 7.

Fines 8. cap. 24.

1 Item where it was ordeined in the time of king Edward the first, by the statute de Finibus, that notes and Fines to be leuied in the kings court afore his Justices, should be openly and solemnly read. And that pleas in the meane time should cease: And this to be done by two days in the weeke, after the discretion of the Justices, as in the said statute more plainly appeareth: [Vide Stat. de Finibus leuatis 27. E. 1. Fines 1. before, aũ 34. E. 3. cap. 6. Fines 4.]

2 The king our Soueraigne Lord, considereth that fines ought to be of the greatest strength to auoide strifes and debates, and to the finall end and conclusion, and of such effect

effect were taken, afore a statute made of Non claime, and now is vsed the contrarie, to the vniuersall trouble of the Kings Subiects: will therefore it be ordeined, by the aduise of the Lords spirituall and temporall, and the commons in the said parliament assembled, and by authoritie of the same, That after the ingrossing of euery Fine to be leuied after the feast of Easter, that shall be in the yeare of our Lord, 1490. in the kings Court, afore his Iustices of the Common pleas, of any lands, tenemẽts, or any other hereditaments, the same fine be openly & solempnly read and proclaimed in the same Court the same Terme, and in three Termes then next following the same ingrossing in the same Court, at foure seuerall dates in euery Terme. And in the same time that it is so read and proclaimed all pleas to cease.

Quant vn fine serra dit deste engrosse, vide Nat. br. 147. a.

3 And the said proclamations so had and made, the fine to be finall end, and conclude aswell priuies as estraungers to the same, except women couert, other then bin parties to the said fine, and euery person then being within age of xxj. yeres, in prison, or out of this realm, or not of whole mind at the time of the said fine leuied, nor parties to such fine.

4 And sauing to euery person or persons, & to their heires, other thẽ the parties in the said fine, such right, claim, & interest, as they haue to or in ȳ said lands, tenemẽts, or other heredi-

hereditaments, time of such fine ingrossed.

5 So that they pursue their title, claime, or interest, by way of action, or lawfull entrie, within fiue yeares next after the said proclamations had and made.

6 And also sauing to all other persons such action, right, title, claime, & interest, in or to the said lands, tenements, or other hereditaments, as first shal grow, remain, or come to them after the said fine ingrossed, & proclamation made, by force of any gift in the tale, or by any other cause or matter, had & made before the said fine leuied, so that they take their action, or pursue their said right & title, according to the law, within fiue yeres next after such action, right, claime, title, or interest to them accrued, discended, fallen, or come: & that the said persons & their heires may haue their said action against the perseuer of the profits of the said lands & tenements, and other hereditaments time of the said action to be taken: & if the same persons at the time of such action, right, and title accrued, discended, remained, or come vnto them, be couert baron, or within age, in prison, or out of this land, or not of whol mind:

7 That then it is ordeined by the said authoritie, that their action, right, and title to be reserued & saued to them & to their heirs, vnto the time they come and be at their full age of xxj. yeres, out of prison, within this land, vncouert, and of whole mind, so that they or their heires take their said actiõs, or

their

their lawfull entrie, according to their right & title, within fiue yeres next after that they come and be at their full age, out of prison, within this land, vncouert, and of whole mind, and the same actions pursue, or other lawfull entrie take, according to the law.

8 And also it is ordeined by the authority aforesaid, that all such persons as be couert de baron not partie to the fiue, & euerie person being within age of xxj. yeres, in prison, or out of this land, or not of whole mind at time of the said fines leuied and ingrossed, and by this said act afore except, hauing any right or title, or cause of action, to any of the said lands, & other hereditaments, that they or their heires, inheritable to the same, take their said actions, or lawful entry, according to their right & title, within fiue yeres next after they come & be of the age of xxj. yeres, out of prison, vncouert, within this land, & of whole mind, and the same actions sue, or their lawfull entrie take and pursue, according to the law.

9 And if they do, & take not their actions and enter as is aforesaid, that they & euerie of them & their heires, & the heires of euery of them be concluded by the same fines for euer, in like forme as they bin that bin parties or priues to the said fines.

10 Sauing to euery person or persons, not partie nor priuie to the said fine, their exception to auoid the same fine by that, that thole [that] were parties to the fine, nor any of

them, nor no person nor persons to their vse, ne to the vse of any of them, had nothing in the lands or tenemẽts comprised in the said fine, at the time of the said fine leuied.

11 And it is ordeined by the said authority, that euery fine that hereafter shall be leuied in any of the kings courts, of any manors, lands, tenements, & other possessions, after the maner, vse, & forme that fines haue bin leuied afore the making of this act, be of like force, effect, & authority, as fines so leuied, be or were afore the making of this act: this act or any other act in the said parliament made or to be made notwithstanding.

12 And euery peerson be at his libertie, to leue any fine hereafter, after his pleasure, whether he will, after the fourme contained and ordeined in and by this act, or after the maner and fourme aforetime vsed.

Women 3.

Anno 11. H. 7. cap. 20. Discontinuance of right or estate.

For certeine reasonable considerations be it ordeyned, enacted, and established by the king our soueraigne Lord, and by the assent of the Lords spirituall & temporall, and the commons in this present parliament assembled, and by authoritie of the same, that if any woman which hath had, or hereafter shall haue any estate in dower, or for terme of life, or in taile iointly with her hus-

husband, or onely to her selfe, or to her vse, in any manors, lands, tenements, or other hereditamẽts, of the inheritance or purchase of her husband, or giuen to the said husband and wife in taile, or for terme of life, by any of the auncesters of the said husband, or by any other person seised to the vse of the said husband, or of his auncesters, and haue, or shall hereafter being sole, or with any other after taken husband, discontinued, or discontinue, aliened, released, or confirmed, alien, release, or confirme with warrantie, or by couin suffred, or suffer any recouerie of the same, against them, or any of them, or any other seised to their vse, or to the vse of either of them, after the form aforesaid, that al such recouerie, discontinuances, alienations, releases, confirmatiõs, & warranties so had and made, & from henceforth to be had and made, be vtterly voide and of none effect.

Litleton Garrantie sect. 36.

2 And that it shall be lawfull to euery person & persons, to whom the interest, title, or inheritance after the decease of the said women, of the said manors, lands, and tenements, or other hereditamẽts, being discontinued, alienedd, or suffered to be recouered, after the first day of Decẽber next cõming, in the forme aforesaid should appertaine, to enter into all and euery of the premisses, and peaceably to possesse and inioy the same, in such maner and forme, as he or they should haue done, if no such discontinuance, warranty, nor recouery had bẽn had nor made.

3 And

3 And ouer this be it ordeined & enacted by the said authoritie, that if any of the said husbandes and women, or any other seised, or that shall be seised to the vse of them, of the estate aforesaid specified, after the said first day of December, do make, or cause to be made, or suffer any such discontinuance, alienations, warranties, or recoueries, in forme aforesaid, that then it shall be lawfull to the person or persons, to whom the said tenements should or ought to belong after the decease of the said woman, to enter into the same, and them to possede and iniop, according to such title & interest, as they should haue had in the same, if the same woman had ben dead, no discontinuance, warrantie nor recouerie had, as against the said husband during his life, if the said discontinuance, alienation warranties, and recoueries, be hereafter had, by or against the same husbands and women during the couerture and espousels betwixt them.

4 Prouided alway, that the said women, after the decease of their said husbands, may enter into the manors, lands, and tenements, and them to iniop according to their first estate in the same. And ouer this be it ordeined and enacted by the said authority, that if the said woman at the time of such discontinuance, alienations, recoueries, warranties, after the said first day of December, in forme aforesaid to be had & made of any of the premisses be sole, that then she

shall

shall be barred and excluded of her title and interest in the same from thencefoorth, & that the person and persons to whom the title, interest, and possession of the same should belong after the decease of the said women, shall immediatly after the said descontinuance, alienations, warranties, and recoueries, enter into the same manors, lands, tenements, and other hereditaments, & them to possess and enioy, according to his or their title in the same.

5 Prouided also that this act extende not to auoide any recouerie, discontinuance, or warrantie, after the forme aforesaid, after this time had, made, or suffered, but onely where the said husband & woman, or either of them now being alive, or any other to their vse, now haue interest and title to the said manors, lands, tenemēts, or other hereditaments, aliened, discontinued, or suffered to be recouered, after the forme aforesaid, & thereof now taking the issues and profites, or any other person or persons to their vse.

6 Prouided also that this act extende not to any such recouerie or discontinuance to be had with the heires next inheritable to the said woman, or where he or they that next after the death of the same woman should haue estate of inheritance in the same manours, lands or tenements, be assenting or agreeable to the said recoueries, where the same assent and agreament [be] of record or enrolled.

7 Prou-

7 Prouided also, that it shall be lawfull to euery such woman being sole, or maryed, after the death of her first husband, to geue, sell, or make discontinuance of any such lands for terme of her life onely, after the course and vse of the Common Law before the making of this present Act.

Actions populer.

An act concerning Actions populer, and Statutes penall. Anno 7. H. 8. cap. 3.

Actions populer 3.

Whereas diuers and many penall statutes & ordinances haue bẽn made and ordeyned, some whereby the punishments giuen onely to the King our soueraigne Lord, his heires & successors, by action, writ, bill, indictment, or information, and some whereby the King by himselfe, or any other common person for the king, or for himselfe onely, may sue by writ, bill, indictment, or information against the offenders in that behalfe: And because of long tract of time, and for sparing of the suit thereof, and that thẽ after such long tract of time, diuers and many of the kings true Subiects haue bẽn in time passed vexed and troubled for the penalties contained in the said statutes & ordinances, more for malyce then for Iustice, whereupon periuries haue insued, to the great trouble and vexation of the kings

true subiects, their heires and executors, being ignorant of the said statutes & offences: wherefore, and for the tender loue and zeale that our soueraigne Lord the king beareth to his said louing Subiects, and at their humble desire,

2 Be it enacted, ordeined, and established by his highnes, & by the assent of the Lords spirituall & temporall, and the commons in this present parliament assembled, and by the authoritie of the same, that all and singuler such actions, suits, bills, indiuiments, or informations, as from the xx. day of the moneth of November, the viij. yeare of our said soueraigne Lordes raigne shalbe commenced, taken, sued, had, or made, onely for any dette, moueable goods, or cattels, forfaited and lost, or to be forfaited or lost, whereunto the king onely, his heires or successors, and none other common person shall or may be intitled by reason of the sayd penall statutes, or any of them, shall be commenced, sued, taken, or had within fower yeres next after the offence or offences, forfaiture or forfaitures, of, or for the same, had or made against the ordinance & prouision of any such act or actes, statute or statutes penall, & not after the said fower yeares.

3 And that for any offence or forfaiture made or had, or to be made or had against the ordinaunce and prouision of any act or acts penall, made & ordeyned, or to be made and ordeyned, whereby, action, suit, bill,

or

or informacion populer, is or shalbe giuen to any person or persons, such as will sue for the king & for him or themselfe, or onely for him or themselfe, that such action, bill, suit, or informacion be commēced, sued, had, & made, by such person or persons, other then the king, as will sue in that behalfe, within one yere next after the offence or forfaiture, had, made, or committed against the ordinance & prouision of any such act or acts penall, and not after the said yeare ended.

4 And that the kings suit by writ, bill, plaint, indictment, or informacion on that behalfe be commenced, sued, had, or made, within two yeares next after the offence or forfaiture made or had against the prouision and ordinance of any act or actes, statute or statutes penal, and not after the said two yeares.

5 And if any action, suit, bill, indictment, or informacion, concerning the foresaid statute, or any of them [be] had, or made, otherwise then within the time or times limitted, as is aforesaid, that then the same action, suit, bill, indictment, & informacion, and euery of them commenced, sued, had, or made, for the said offence or offences, forfaiture or forfaitures, shalbe void and of no force ne effect: any act or acts, statute or statutes made to the contrarie notwithstanding.

6 Prouided alway that where any action, informacion, or inditement, is limitted by any statute to be had, made, or taken within

shorter time or times, then (as is afore rehearsed) that it be had, made, and taken, according to the time limitted in that estatute.

Recoueries.

An act concerning Aduowries for Rents and seruices. Anno 7.H.8.cap.4.

Recoueries 1.

WHereas diuers, aswell noble men as other the Kings subiects, haue suffered Recoueries against them of diuers their manors, lordships, lands, & tenements, for the performance of their Wills, or for the suertie of their Wiues iointures, or for the iointure of sonnes and heires apparant & their Wiues, or for any other person or persons, according to their couenants & agreements, and those persons that so haue recouered the said manors by the course of the common Law, had no remedie, nor may haue, to compell the fermor, freeholders, and tenants, which held of the same manors, by the rents, seruices, or customes, to attourne to them, nor could by the order of the Law attaine to the rents, seruices, or customes, (if they were denied) by distres, or action, without they could once attaine to the possession of the same rents, seruices, and customes, by paying or doing the said rents, seruices, or customes, by the same freeholders, fermors, & tenants, which to do, diuers

and

and many of them haue oftentimes refused, & yet do, to the great offence & charge of their conscience, not onely to the disheritance of the said recouerers, but also in breaking of the last wills of them against whom such recouerie is had: and also to the disheritance of the said husband, wiues, & other to whose vse the same recouerie was so had.

2 Also if there were any aduowson appendant to any of the said manors, the same aduowson had fallen voide, & a stranger had presented, the said Recouerers, nor they to whose vse the same recoueries were had, had no remedy for the same disturbance, & sometime there by they haue bēn disinherited.

3 Be it therefore enacted by this present parliament, & by the authoritie of the same, that the Recouerers in all such recoueries, their heires, & all assignes, may from henceforth distreine for the foresaid rents, seruices, & customes, so being due & vnpaied, and make auowrie, or iustifie the same, as those persons against whom the said recouerie is, should haue done, if the said recouerie had not bēn had, & also haue like remedy for the recouering of the said rents, seruices, and customes, by auowrie, & also Quare impedit for the said aduowson, if any disturbance be made, as those persons, against whom the said recoueries were had, might, or should haue had, by the course of the common Law before the said recouery, if any such rents, seruices, or customes had bēn demed them, or

any such disturbance had bin had in their times.

4 And also that euery auowant, and euery other person or persons that maketh auowrie, conusance, or knowledge, or iustifie as bailie to any other person or persons in any Replegi. or second deliuerance, for any rent, custome, or seruice, if their auowrie, conusance, or iustification be found for them, or the plaintifes in the said actions otherwise barred, shall recouer their dammages and costes that they haue sustained, as the plaintife should haue done, if they had recouered in the said Replenums. [See after Anno 21. H.8. cap. 19. Auowrie 1.]

Assise.

An act concerning Abridgements of plaints in Assise, Anno 21. H.8. cap. 3.

Assise. 9.

FOrasmuch as Assises which haue bin thought the most speedy remedy, be now by occasion of pleding of many barres to moities & partes of the lands put in view and plaint, greatly delayed, for difficulties & diuision of pleading.

2 And one cause thereof is because the plaintifes in the assise in such pleas, to moities and parts cannot by the law abridge their plaints.

3 For remedie whereof be it enacted, that the

the plaintif in euery Assise from henceforth, may at his pleasure seuer and abridge his plaint, of any part or partes whereunto any barre is pleaded, in such like maner, as he or they might doe in case that plees in barre had bin made & diuided to any certaintie or number of acres in the plaint, and that the plaint for the residue of the part or parts of the lands not abridged, shall be & stand good & effectuall in the law.

Spirituall persons.

¶ An Acte against pluralities of benefices, for taking of fermes by spirituall men, & for residence. An. 21. H. 8. ca. 13.

Residence 2.

FOr the more quiet & vertuous increase and maintenance of diuine seruice, the preaching & teaching the word of God, with godly and good example giuing, the better discharge of Curats, the maintenãce of hospitality, the reliefe of poore people, the increase of deuotion, and good opinion of the lay fee toward the spirituall persons,

1 Be it enacted, ordeined, & established by the king our soueraigne Lord, with the assent of the Lords spiritual & temporal, & the commons in this present parliament assembled, & by authoritie of the same, that no spirituall person, seculer or reguler, of what degree soeuer he or they be, shall from hence-

forth take to ferme to himselfe, or to any person or persons to his vse, of the lease or graunt of the king our soueraign Lord, nor of any other person or persons, by letters patents, indentures, writings, by word, or otherwise, by any maner of means, any manors, lands, tenements, or other hereditaments, for terme of life, for terme of yeares, or at will, vpon paine to forfait ten pounds for euery Moneth that he or any other to his vse shall occupie any such ferme, by reason of any such Lease or graunt hereafter to be made. The one halfe of which forfaiture to be to the king our soueraigne Lord, and the other halfe therof to euery such person as will sue for the same by originall writ, bill, or plaint of debt, or by any information in any of the kings Courts, in which action and suit no wager of law shall be admitted for the defendant, nor any essoine or protection allowed.

3 And be it also enacted by the authoritie aforesaid, that all and euery such spirituall person or persons, which now haue, or occupie in ferme by them selfe, or by any other to their vse, any manors, lands, tenements, or hereditaments, of the lease or graunt of the king our soueraigne Lord, or any other person or persons for terme of life, or for yeares, or at will, by any writing, or otherwise, or that now haue any annual rents, or other annual aduantage or profit, by occasion or colour of any such lease or ferme: shall

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clérely bargaine, sell, giue, or graunt away, on this side the feast of Saint Michael the Archangell next comming, to any such lay person or persons, as they will at their owne nominations & appointment, all such lease, terme, interest, and profit, as any such spirituall person, or any other to his vse now hath, or haue, in, or by reason of any such ferme, so that in no wise any such spirituall person or persons at any time after the same feast, by them selfe, or any other to their vse by any maner of means, fraud, or male engyn, shall haue, vse, or occupie in ferme, any manors, lands, tenements, or hereditamēts, of the demise, lease, or graunt of any person or persons heretofore made, or hereafter to be made, to them self, or to any other to their vses: nor from the said feast shall take any annuall rent, or other annuall aduantage or profite, by occasion or colour of any such lease or ferme, by any maner of meanes, vpon paine to forfait for euery moneth so occupying any such ferm, at any time after the said feast, contrary to this present act, tenne pound, and vpon paine to forfait ten times as much as any such spirituall person, or any to his vse, shall take in any annuell rent, aduantage, or profite, by occasion or colour of any such lease at any time after the said feast. The one halfe of which forfaiture to be to the king our soueraigne Lord, and the other halfe to him that will sue for the same by originall writ, bill, or plaint of debt, or

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by information in any of the kings courts, in which action & suit no wager of law shall be admitted for the defēdant, nor any essoine or protection allowed.

4 And be it also enacted, that all such leases made or hereafter to bee made vnto any such spirituall person or persons, or to any other to their vse, for terme of life, terms of yeares, or at will, of any manors, lands, tenements, or hereditaments, whereof they or any of them shall take any profit, or medling by themselues or any to their vse, after the said feast of saint Michael, by colour of any such lease or grant, (and not by them bargained, graunted, and sold away before the said feast, as is before limited) shall from thenceforth be vtterly voide and of none effect, as well against the lessour or lessours, grauntour or grauntours, their heires and assignes, and against euery of them, as against the lessee or lessees, and their executors and assignes, and euery of them.

5 Prouided alway that this present act shall not extend to any spirituall person or persons, in, & for taking to ferme any temporalties, during the time of vacations, of any Archbishoprickes, Bishoprickes, Abbeis, Priories, or other collegial, cathedrall, or conuentual churches, nor to any spiritual person or persons, that shall tender or make any trauers vpon any offices or office, concerning his or their freehold.

6 And be it also enacted by the authoritie

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aforesaid, that no spiritual person or persons seculer or reguler, of what estate or degree soeuer they be, shall from henceforth by him self, nor by any other for him, nor to his vse, bargain and buy to sell againe for any lucre gaine or profite, in any markets, faires, or other places, any manner of cattels, corne, lead, tinne, hides, lether, tallow, fish, wooll, wood, or any maner of victuall or marchandise, what kind soeuer they be of, vpon pain to forfait treble the value of euerie thing by them, or by any to their vse bargained and bought to sell again contrary to this present act. And that euerie such bargaine and contract hereafter to be made by them, or by any to their vse contrary to this acte, shall be vtterly voide and of none effect. And the one halfe of euerie such forfaiture to be to the king our soueraigne lord and the other halfe to him that wil sue for the same by original writ of det, bil, plaint, or informatiõ, in any of the kings courts. In which action or suit no wager of law for the defendant shall be admitted, nor any essoine nor protection allowed.

7 Prouided alway, that if any such spirituall person or persons, shal happen hereafter without fraud or couine to buy any horses, mares, or mules to the onely intent to occupy for himselfe or his seruants, to ride to and fro, vpon his necessarie busines, or any other cattels or goods, to the only intent and purpose at the buying thereof to be em-

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ployed and put, in, and about his necessarie apparell of his owne house, or of his person and seruants, or in, for, and about the onely occupying, manuring, or tillage of his owne glebe or demeane landes annexed to his church, or for the necessarie expenses of his owne houshold keeping: And after the buying of any such horses, cattels or goods, or exercise of them or of any of them, happeth to mislike any of them, that they should not be good, profitable nor conuenient for any of the purposes aboueſaid, for the which they were bought, that then euerie such spirituall person or persons may lawfully bargaine and put away such things so by him bought, without fraud or couine for any of the purposes aboueſaid, at his pleasure and aduantage, this act or any thing therein contained notwithstanding.

8 Prouided alway that all abbots, priours, abbesses, priorresses, prouostes, presidents, masters of colledges, and hospitals, and all other spirituall gouernors, and gouernesses of any spirituall monasteries, or houses of religion, by what name or names soeuer they be called, hauing manors, lands, and tenements, hereditamentes and other yerely profits, in the right of their monasteries or houses, of the yerely value of viij. C. markes, or vnder, and not aboue, may vse & occupie as much and as many of their demeane landes, fee fermes, and fermes to their most aduantage, commoditie, & profit

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to and for the onely maintenaunce of their householdes & hospitalities, in as ample and as large manner as they or any of them, or their predecessours, or the predecessours of any of them, at any time by the space of one C. yeres last past, before the making of this act, haue done, vsed, and occupied. Any thing in this present act to the contrarie notwithstanding.

9 Prouided also that euerie other spirituall person & persons, not hauing sufficient glebe or demean lands in their owne hands, in the right of their churches, monasteries, & houses for pasturage of cattels, or for increase of cornes, toand for the only expenses of their households, or for their cariages and iourneies, may take in ferme other lands, and buy and sell corne and cattell for the only manurance, tillage, and pasturage of such ferme, so that the increase thereof bee alwaies imployed and put to, and for the onely expenses in their householdes and hospitalities, and not in any wise to buy and sell againe, for any other commoditie, lucre, or aduantage any corne or cattell, renewing, comming, or growing, in and vpon any such ferme or otherwise, but onely the remaine and ouer plus aboue the expenses of their householdes, if any such shall happen to be vsed and increase thereof, without fraud or couine. Any thing in this present act to the contrarie hereof notwithstanding.

10 And be it enacted by the authority afore

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said, that if any person or persons hauing one benefice with cure of soule, being of ye yerely value of 8. pound, or aboue, accept & take any other with cure of soule, & be instituted & inducted in possession of the same: that then & immediatly after such possession had therof, the first benefice shal be adiudged in the law to be void. And that it shal be lawful to euery Patron, hauing the auowson thereof, to present an other, & the presentee to haue the benefit of ye same, in such like maner & forme as though the incumbent had died or resigned: any licēce, vnion, or other dispēsation to the cōtrary herof obtained, notwithstāding.

11 And that euery such licence, vnion, or dispensation had, or hereafter to be obtained contrary to this present act, of what name or names, qualitie or qualities soeuer they be, shal be vtterly void and of none effect.

12 And if any person or persons at any time after the first day of Apryll, in the yere of our Lord God 1530. contrarie to this present act, procure and obtaine at the court of Rome, or elswhere, any licence or licēces, vnion, tolleration, or dispensation, to receiue & take any moe benefices with cure, than is aboue limited, or else at any time after the said day put in execution any such licence tolleration, or dispēsation, before that obtained cōtrary to this act: that then euery such person or persons, so after the said day suing for himself, or receiuing & taking such benefice by force of such licence or licēces, vnion,

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tolleration, or dispensation, that is to say, the same person or persons onely & none other, shall for euery such default incurre the danger, paine, & penaltie of xx.li. sterling. And also lose the whole profits of euery such benefice or benefices, as he receiueth or taketh by force of any such licēce or licences, union, tolleration, or dispensation. The one halfe of which forfaiture to be to the king our soueraigne Lord, & the other halfe thereof to him that will sue for the same by originall writ, bill, plaint of debt, or information in any of the kings Courts, in which action & suit no wager of law, essoine, or protection for the defendant shall be admitted or allowed.

13 Prouided alwaies, that this Act concerning the not keeping of moe Benefices with cure of soule then one, extend ne be preiudiciall to any person or persons which at any time before the said first day of Aprill, in the yere of our Lord God M.v C. and xxx. shalbe really intituled or possessed of any such benefices with cure of soule, as concerning or touching any of the same benefices, whereof they shal then be all ready really entituled or possessed before the said day, to or vnder the number of iij. and not aboue, and if any such spiritual person or persons so being entitled or possessed of mo benefices with cure of soule then iij. doe not by the first day of Aprill clerely and without yerely pension resigne or otherwise giue vp all and euerie such benefices and benefice as he shall be so

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resigne or otherwise giue vp all and euerie such benefices and benefice as he shall be so entitled & possessed of, aboue the said number, that then it shall be lawfull for euery patron hauing the aduowson of any such benefice of the same, in like maner & forme as though it had bẽn voide by death or resignation of the incumbent, any licence, dispen, or other dispẽsation to the contrary hereof obtained notwithstanding. And this clause of presentation to be taken and vnderstanden, & of such benefices with cure of soule, as were giuen to any such spirituall person after the said number of iiij. benefices with cure furnished and fulfilled.

14 Prouided also, that all spirituall men now being, or which hereafter shalbe of the kings counsell, may purchase licence or dispensation, and take, receiue, and keepe three personages or benefices with cure of soule, & that al other being the kings chapleins, & not sworne of his counsell, the chapleins of the Queene, prince, or princesse or of any the kings children, brethren, sisters, vncles, or aunts, may semblablie purchase licence, or dispensation, & receiue and keepe two parsonages or benefices with cure of soule. And in likewise that euery Archbishop & Duke may haue vj. chapleines, whereof euery one shall and may purchase licence, or dispensation, and take, receiue, and keepe two parsonages or benefices with cure of soule, and that euery Marques & Earle may haue v.

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chapleins, whereof every one may purchase licence or dispensation, and take, receiue and kéepe ij. personages or benefices with cure of soule. And that every Viscount and other Bishop, may haue fower chapleins, whereof every one may purchase licēce, & receiue, haue, & kéepe two personages or benefices with cure of soule, as is aforesaid. And that the Chancellor of England for the time being, & every baron & knight of the Garter, may haue three Chapleines, whereof every one shall now purchase licence or dispensation, and receiue haue, and kéepe two parsonages or benefices with cure of soule. And that every Duchesse, Marques, Countesse, & Baronesse, being widowes, may haue ij. chapleins, whereof every one of them may purchase licence or dispensation to receiue, haue, and kéepe two benefices with cure of soule, & that the treasourer & comptroller of the kings house, the kings secretary, & deane of his chappell, the kings almner, & the Master of the rols, may haue every of them two Chapleins, & the chiefe Justice of the kings bench one Chapleine, and the warden of the v. ports for the time being, one chapleine, whereof every one may purchase licence, and receiue, haue and kéepe two parsonages, or benefices with cure of soule. And that the bretheren and sonnes of all temporall lords, which are borne in wedlocke, may every of them purchase licence or dispensation, and receiue, haue and kéepe as many parsona-

ges or benefices with cure, as the chapleins of a Duke or an Archbishop. And likewise the brethren and sonnes borne in wedlocke of euerie Knight, may euery of them purchase licence or dispensation, & receiue take & keepe two personages or benefices with cure of soule.

15 Prouided alwaies, that the said chapleines so purchasing, taking, receiuing and keeping benefices with cure of soule as is aforesaid, shall be bound to haue and exhibite, where neede shall be, letters vnder the signe & seale of the king, or other their Lord and master, testifying whose chapleins they be, and els not to enioy any such pluralitie of benefices by such chapleine. Any thing in this act notwithstanding.

16 Be it also prouided, that all doctors and bachelers of diuinitie, doctours of law, and bachelers of law canon, and euery of them which shall be admitted to any the said degrees, by any of the Vniuersities of this Realme, & not by grace onely, may purchase licence, & take, haue, & keepe two personages or benefices with cure of soule.

15 So that alwaies the said libertie by any of the prouisions beforesaid giuen to any of the said counsailors, chapleins, and other persons before specified, to purchase licence or dispensation, and take receiue, and keepe two benefices then one, after the maner and fourme aforesaid, be taken and vnderstanden to extende in number to no more benefices

fices with cure of soule, then is aboue limitted, accompting in the same & as parcel thereof, such benefices with cure of soule, as any of the said persõs shal haue in real title or in their possession, at the said first day of Apryll, in the yere of our Lord God 1530.

18 Prouided also, that euery Archbishop, because he must occupie viij. chapleins at consecrations of Bishops, and euerie Bishop because he must occupy vj. chapleins at giuing of orders and consecration of churches, may euery of them haue ij. chapleines euer and aboue the number aboue limitted vnto them, whereof euery one may purchase licence or dispensation, and take receiue and kepe as many personages & benefices with cure of soule, as is before assigned to such chapleines

19 Prouided also, and be it enacted by authoritie aforesaid, that no person or persons to whom any number of chapleines or any chapleine by any of the prouisions aforesaid is limitted, shall in any wise, by color of any of the same prouisions, aduance any spirituall person or persons, aboue the number to them appointed, to receiue or kepe any more benefices with cure of soule, then is aboue limitted by this act, any thing specified in the said prouisions notwithstanding, and if they doe, then euery such spirituall person & persons, so aduanced aboue the said number, to incurre the paine and penalty contained in this act.

20 We it also furthermore enacted by the authoritie aforesaid, that as well every spirituall person now being promoted to any Archedeaconry, Deanry, or dignitie in any Monasterie or Cathedrall church, or other Church conuentuall or collegiall, or being beneficed with any personage or vicarage, as all and euery spirituall person and persons, which hereafter shal be promoted to any of the said dignities, or benefices, with any personage or vicarage from the feast of saint Michael tharchangell next comming, shalbe personally resident & abiding, in, at, and vpon his said dignitie, prebend, or benefice, or at one of them at the least. And in case any such Spiritual person at any time after the said feast, keepe not residence at one of his said dignities, prebend, or benefices, as is aforesaid, but absent himselfe wilfully by the space of one moneth together, or by the space of two moneths, to be accompted at seuerall times in any one yere, and make his residence & abiding in any other places, by such time, that then he shal for fait for euerie such default x.li. sterling. The one halfe thereof to the king our soueraign Lord, and the other halfe of the same to the partie that will sue for the same in any of the kings courts by originall writ of debt, bill, plaint, or information. In which action & suit the defendant shall not wage his law, nor haue any essoine or protection allowed.

21 And if any person or persons procure or obtaine

obtaine at the court of Rome or els where, any maner of licence or dispensation to be non resident at their said dignities, prebend or benefices, contrarie to this act, that then euery such person or persons, putting in execution any such dispensation or licence for himselfe from the said first day of Apprill, in the yere of our Lord God 1530. shall runne and incurre in the penalty, damage, & paine of xx. pounds sterling for euerie time so doing, to be forfaited & recouered as is aboue said, and such licence or dispensation so procured, or to be put in execution, to be voide and of none effect.

22 Prouided alwaies, that this act of non residence shall not in any wise extend ne be prejudiciall to any such spirituall person as shall chaunce to be in the Kings seruice beyond the sea, nor to any person or persons going to any pilgrimage or holy place beyōd the sea, during the time that they shall so be in the kings seruice, or in their pilgrimages going and returning home, nor to any scholer or scholers being conuersant & abyding for studie, without fraude or coulin at any vniuersitie within this realme or without, nor to any of the chapleins of the kings or Quēnes, baylie or quarterlie attendinge & abiding in the Kings or Quēnes most honorable householdes. Nor to any of the chapleines of the prince or princesse, or any of the Kings or Quēnes children, brethren or sisterne, attending daily in their honorable

houſholdes, during ſo long as they ſhall attende in any of their ſaid houſholdes. Nor to any chapleine of any Archbiſhop, or biſhop, or of any ſpirituall or temporall lords of the parliament, daily attending; abiding and remaining in any of their honourable houſholds. Nor to any chaplein of any duchelle, marques, counteſſe, vicounteſſe or baroneſſe, attending dailie and abiding in any their honorable houſholds. Nor to any chapleine of the Lord Chancellor or Treaſorer of England, the kings Chamberlaine or Steward of his houſhoide for the time being, the Treaſorer and comptroller of the kinges moſt honourable houſhoide for the time being, attendung dailie in any their honorable houſholds. Nor to any Chapleins of any the knights of the honorable order of the garter, or of the chief iuſtice of the kings bench, warden of the 5. Ports, or alſo of the Maiſter of the rolles. Nor to any Chapleine of the kings Secretarie and Dean of the Chappell, or almner for the time being, dailie attending and dwelling in any their houſholdes, during the time that any ſuch chaplein or chapleins ſhal abide and dwell without fraude or couine, in any of the ſaid honourable houſhoides. Nor to the maiſter of the rolles, or deane of the arches. Nor to any Chancellor or commiſſary of any Archbiſhop or Biſhop Nor to as many of the xij. maiſters of the Chancery, and xij. advocates of the arches, as be or hereafter ſhalbe ſpirituall

tuall men, during so long time as they shall occupy their said romes & offices. Nor to any such spirituall persons, as shall happen by iniunction of the Lord Chancellor or the kings Counsel to be bound to any daily apparance & attendãce to answere to the law, during the time of such iniunction.

23 Prouided also, that it shalbe lawfull to euerie Spirituall person or persons, being chapleines to our soueraigne lord the king, to whom it shall please his highnes to giue any benefices or promotions spirituall, to what number soeuer it be, to accept & take the same, without incurring the daunger, penaltie, & forfaiture in this estatut comprised. And that also it shall be lawful to the kings highnesse to giue licence to euerie of his own chapleins for non residence vpon their benefices: Any thing in this present act contained to the contrarie notwithstanding.

24 And be it furthermore enacted by the authoritie aforesaid, that no spirituall person, secular, or regular, beneficed with cure, as is more rehearsed, from the feast of saint Michael tharchangel next comming, by authority of any maner licence, dispensation, or otherwise, shall take any particular stipende or salarie to sing for any soule, nor haue or occupie by himselfe, or by any other to his vse, any personage, or vicarage in ferme of the lease or graunt of ante person or persons, nor take any profite or rent out of any such ferme, vpon paine to forfait xl. s. for

every such weeke that hee or any to his vse shall occupie or have any such stipende or ferme contrarie to this present act. And vpon paine to lose x. times the value of such profit or rent as he shall take out of any such ferme after the said feast. The one halfe of which forfaitures to be to the King our soueraign Lord, & the other moity to him that will sue for the same by originall writ, bill, plaint of debt, or by information in any of the Kings courts, in which suit & action, no wager of law shall be admitted for the defendant, nor any essoine or protection allowed.

25 Prouided alway, that no deanry, Archdeaconry, Chancellourship, Treasurership, chauntership, or prebende in any cathedrall or collegial church nor personage, that hath a vicar indued, nor any benefice perpetually appropriate, be taken or comprehended vnder the name of benefice having cure of soule, in any article afore specified.

26 Prouided also, and be it enacted by the authoritie aforesaid, that no spirituall person or persons regular or secular, of what estate, degree, or condition soeuer he or they bee, from the first day of Aprill next comming, have, vse, or keepe, by him or them self, or by any person or persons to his or their vse or commoditie, any manor of tan-house or tan-houses, to be vsed or occupied to his or their owne vse, commoditie, or behoofe: nor from the said first day of Aprill next comming, shall have, vse or keepe any manner of

vsefu-

hathehouse or dyrehouses to any other vse, intent or behaufe, then onely to be spent and occupied in his or their owne houses, vpon paine to forfait for euerie moneth so vsing and occupying any of the said misteries, or occupations x. li. The one moitie thereof to the king our soueraign Lord, and the other moity to him that will sue for the same by originall writ, bill, plaint of debt, or information in any of the Kings Courts, in which action and suit no wager of law shalbe admitted for the defendant, ne any essoine, or protection allowed.

27 Prouided alwaies, that euery duches, marquesse, countesse, baronesse, widowes which haue taken, or that hereafter shall take any husbandes vnder the degree of a baron, may take such number of Chapleins as is aboue limited to them being widowes, and that euery such chapleine may purchase licence to haue and take such number of benefices with cure of soule, and haue like libertie of non residence, in maner and forme as they might haue done if their said ladies & mistresses had kept the selues widowes: Any thing in this present act contained to the contrary notwithstanding.

28 Prouided alwayes, that euery spirituall person or persons, hauing lands, tenements or other possessions in the right of their houses, aboue the yeerely value of viij. C. markes, may keepe & retaine in their occupation and manurance, as much as their

said

said lands and tenements, and other possessions, as shall be necessarie and sufficient for pasturage of their cattels, and for tillage of corne to be employed and spent for the only maintenance, sustentation, and keeping of his or their householdes and hospitalities, without fraud or coulor, any thing in this present act to the contrarie thereof notwithstanding.

29 Prouided alway, that it may be lawful to euery spirituall person & persons, to take in ferme any meases, mansions, or dwelling houses, hauing but onely orchards, or gardeins, in any citie, borough, and towne for their owne habitation or dwelling: Any thing in this act to the contrarie notwithstanding. So that no person spirituall other then be aboue prouided for, for their non residence haue any liberty of non residence by colour of this prouise. [See the statutes made 25. Henry 8. cap. 16. and 28. H. 8. cap. 13. and 33. H. 8. ca. 28. in Residence 3. 4. & 5. who els may haue dispensation & be non resident.]

An

An acte that al fermers may enioy their leases, against recoueries had by fained titles and falsifie the same recoueries, An.21.H.8.cap.15.Recoueries 2.

Where afore this time diuers persons haue made leases of their manors, lands, tenements, and other hereditaments, sometime by their indentures, and sometime without writinges to other persons for term of yeres, taking of them great fines for the incums of the saine leases, and after the same lessours, their heires or assignes, haue caused and suffered recoueries to be had against them in the Court of our soueraigne lord the king, and in other lords courts, vpon fained & vntrue titles, by craft & couin, to put the said termours from their said termes. And after such recoueries had, the same recouerers, by reason of such recoueries and iudgments, haue entred into the same manors, lands, tenements, and other hereditaments, so to ferme letten, & thereof haue expulsed the said fermers, contrary to their said leases, couenants, & agreements. And because it was doubted to some persons whether the said fermers might falsifie such recoueries or not:

1 Be it therefore enacted by the king our soueraigne Lord, by the assent of the Lords spiritual & temporail, & the commons in this present parliament assembled, and by the authority of ye same, that al such fermers shal & may

may fulfille for his terme onely, such recoueries, aswel heretofore had, as hereafter to be had, in such wise & form, as a tenãt of a freehold, shall & may do by the course of the common law, where such tenant of freehold was neither priuie nor party to ye same recouerie.

3 And that the same termors their executors & assignes, notwithstanding such recoueries so had, shall retaine, hold, & enioy their said termes, according to their said leases against all such recouerors, their heirs and assignes.

4 And that the said recouerors their heirs & assignes, after such recouerie so had, shall haue like remedy against the said termors, their executors & assignes, by answer or action of debt for the rents & seruices reserued vpon the same leases, being due after the same recoueries, & also like actions against them for wast done after the same recoueries so had, in like maner and fourme as the said lessors should or might haue had, if the same recoueries had neuer bin had.

5 And also be it further enacted by the authoritie aforesaid, that no maner of statute of the Staple, statute Marchant, nor execution by Elegit, be hereafter auoided, or in any wise made frustrate, by meanes of any such feined recouery, but that al persons having any lands, tenements, or other hereditaments in execution, or being intituled to haue execution of any manours, landes, or tenements, by any such means, shal haue by

force

pace of this estatute like remedy to auoide and fallifie the same recoueries, as before is ordeined and prouided for the lesse for terme of yeares.

Auowrie.

An act concerning Auowries. Anno 21. H. 8. cap. 19.

Auowrie 1.

Where aswell the noble men of this Realme, as diuers other persons, by fines, recoueries, graunts, and secret feoffements & leases, made by their tenants to persons vnknowen, of the lands & tenemẽts holden of them, haue bin put from the knowledge of their tenants, vpõ whom they should by order of the Law make their Auowries, for their rents, customes, & seruices, to their great losses & hinderances.

1. Be it therefore enacted, established, and ordeined by authoritie of this present parliament, that wheresoeuer any manours, lands, tenements, and other hereditaments be holden by any maner person or persons, by rents, customes, or seruices, that if the Lord, of whom any such manors, lands, tenements, or hereditaments be so holden, distraine vpon the same manors, lands, or tenements, for any such rents, customes, or seruices, & replevin thereof be sued, that the Lord, of whom the same lands, tenements,

or hereditaments be so holden, may auow, or his bailife or seruant make conusance, or iustifie for taking of the said distres, vpon the same lands, tenements, or hereditaments so holden, as in lands or tenements within his fee or seignorie, alleaging in the said auowrie, conusance, & iustification, the same manors, lands, and tenements to be holden of him without naming of any person certaine to be tenant of the same, and without making any auowrie, iustification, or conusance vpon any person certaine. And likewise the Lord, bailife, or seruant to make auowrie, iustification, or conusance, in like maner and forme vpon euery writ sued of Second deliuerance.

3 And also be it enacted by the said authoritie, that euery auowant, and euery other person and persons, that make any such auowrie, iustification, or conusance, as bailife or seruant to any person or persons in any Replegiare, or Second deliuerãce, for rents, customes, seruices, or for damage feisant, or other rent or rents, vpon any distres taken in any lands or tenements: if the same auowrie, conusance, or iustification be found for them, or the plaintifes in the same be nonsuit, or otherwise barred: that then they shall recouer their damages & costs against the said plaintifes, as the same plaintifes should haue done, or had, if they had recouered in the Repleg. or Second deliuerance found against the said defendants. [See before

fore, Anno 7.H.8.cap.4. Recoueries 1.

4 And be it also ordeined, that the said plaintifes and defendants in the said writs of Replegiare, or writs of Second deliuerance, and in euery of them, shall haue like pléas, and like aide and prayers in all such auowries, conusances, and iustifications, pléas of disclaimer onely except, as they might haue had before the making of this Act, and as though the said auowrie, conusance, or iustification had bœn made after the due order of the common Law.

5 And it is further enacted by the said authoritie, that al such persons as by the order of the common Law may lawfully ioine to the plaintifes or defēdants in the said writs of Replegiare, or Second deliuerance, aswell without proces, as by proces, shall from henceforth ioine vnto the said plaintifes or defendants, aswell without proces as by proces, & to haue the like pléas & like aduantages, in all things (disclaimer only except) as they might haue done by the order of the cōmon Law before the making of this act.

Attaint.

An act concerning Periuries and punishmēt of vntrue Verdictes. An 13.H.8.cap.5.

Attaint 2.

The king our soueraigne lord of his most godly & gracious disposition, calling to his remembrance, how that periurie in this

land

land is in manifold causes, by vnreasonable meanes, detestably vsed, to the disinherit ãce and great damage of many & great number of his subiects, well disposed, and to the most high displeasure of Almightie God, The good statutes against all officers hauing returne of writs, and their deputies, making panels partially for rewards to them geuen, against vnlawfull Maintrinors, Embracerors, and Jurors, and against Jurors vntruely giuing their verdict, notwithstanding. For reformation whereof, and forasmuch as the late noble king Henry the seuenth, prouided remedy for the same by a statute made in the 11. yeare of his raigne [cap. 24.] which statute is now expyred:

2 We it therefore now enacted by the king our soueraigne Lord, & the Lords spirituall and temporall, and the Commons in this present parliament assembled, & by authoritie of the same, That vpon euery vntrue verdict hereafter giuen betwixt partie and partie, in any suit, plaint, or demaund, before any Justices, or Judges of record, where the thing in demaunde & verdict thereupon giuen, extendeth to the value of xl. pounds, and concerneth not the ieopardie of mans life, the partie grieued by the same verdict, shall haue a writ of Attaint against euery person hereafter so giuing an vntrue verdict, & euerie of them, and against the party, which shal haue Judgement vpon the same verdict. And that in the same Attaint, there

shall

shalbe awarded against the petit Jurie, the partie, and the graund Jurie, Sommons, resommons, and distresse infinite, which graund Jurie shal be of like number, as the graund Jury is now in attaint: and euerie of them that shal passe in the same, shall haue lands & tenements to the value of twentie marks by the yere, of freehold, out of the antient demesne.

3 And vpon the distres which shall be deliuered of record vpon the same, open proclamation to bee made in the court where the distresse shall be awarded more then fifténe daies afore the retourne of the same distresse, and euerie such distresse shall bee made vpon the lande of euerie of the saide graund Jurie, as in other distresses is and hath béene vsed.

4 And if the said partie defendant, or the petite Jurors, or any of them appeare not vpō the distresse, then, the graund iurie to be taken against them and euerie of them that shall so make default.

5 And if any of the said petite Jurie appeare, then the partie complainant in that behalfe, shall assigne the false serement of the first verdict vntruely giuen, wherevnto they of the petite iurie shall haue none answere (if they be the same persons, and the writ, process, retorne, and assignement good and lawfull) except that the demaundant, or plaintife in the same Attaint hath afore his nonsuit, or discontinued his suit of at-

taint taken for the same, or hath for the same verdict in a writ of Attaint had iudgement against the said petit iury, but only that they made true serement, which issue shalbe tried by xxtiij. of the said graund iurie. And the party shal plead, that they gaue true verdict, or any other matter, which shall be a sufficient barre of the said Attaint. And, that plée notwithstanding, the graund iurie to be taken without delay, to enquire whether the first iury gaue true verdict or no. And if they finde that the said petit iury gaue an vntrue verdict, then euery of the said petite iurie to forfait xx.li. whereof the one halfe shalbe to the king our soueraigne Lord, and the other halfe to the partie that sueth. And ouer that, that euery of the said petit iury shal seuerally make fine & raunsome by the discretion of the Iustices, before whom the said false serement shall be found, after their seuerall offences, defaults and sufficiencie of euery of the said petit iury. And, after that, that those of the said petit iurie so attainted shall neuer after be in any credence, nor their oth accepted in any court. And if such plée as the partie pleadeth, which is a barre of the said attaint be found or demed against him that so pleadeth, then the partie that so sueth shall haue iudgement to be restored to that he lost with his reasonable costes and damages.

6 Forsérne alway, that any vtlarie in action or cause personal, or excommengement pleaded or alleaged in the partie plaintife or deman-

tenandant shalbe taken but as a void plée, so that he shall not be put to answere. And that in al the aforesaid processe such day shal be giuen as in a writ of Dower, and none essoine or protection to lie nor to be allowed in the same.

7 And if the said grand iurie appeare not vpon the first distres had against thē, so that the iury for their default do remaine, he that maketh default shal forfait to the king xx. s. and vpon the second distres xl. s. and after making default, for euerie such default, fiue pound, and like penalties and forfaitures to be against them and euerie of them that shall be named in the Tales, as is afore expressed against euerie of the said graund iurie aforesaid. And that for and by the death of the partie or any of the said petite iurie, the said attaint shall not abate, nor be deferred against the remnant, as long as two of the said petit iury be alive.

8 And if hereafter any false verdict be giuen in any action, suit or demand, afore any Iustice or iudge of record, of any thing personall, as det, trespas, and other like, which shal be vnder the value of fortie pound, that then the partie grieued shall haue attaint, with such proces & plées as is afore reherse, & delaies to be takē away as is afore remembred, except that in this case of attaint euerie person of the graund iurie that may dispend x. markes by the yeare of freehold out of ancient demeine, or is worth an hun-

dred markes of goods and cattels, shall be able to passe in the same attaint. And if the petit iurie be attainted, that then they shall in this case of attaint euerie of them forfaite v. li. whereof one halfe shall be to the king, and the other halfe to the partie, after the forme afore reherſed, and ouer that to make fine and ransome by the discretion of the iustices, as is aforesaid.

9 And if there be not persons of such sufficiencie within the shire or place where any of the said attaints shall bee taken, as may passe in the same: be it ordeined by the authoritie aboueſaid, that then one Tales shal be awarded into the shire next adioyning by the discretion of the Justices, afore whom the same attaints shalbe taken, which shalbe warned to appeare vpon like paines, as is aforesaid, and enabled to passe in the said attaints, as if they were dwelling in the shire where the same attaint shalbe taken.

10 And that the same lawes, action, and remedy ordeined by this present act, be kept for and to all them that shall bee grieued by such vntrue verdicts of any inheritaunce, in discent, reuersion, remainder, or of any freehold in reuersion or remainder. And if the patie in attaint giuen by this act be nonsuit, or the same discontinue, that then the said partie so nonsuit or so discontinuing the said attaint, make fine and ransome by the iustices afore whom the said attaint shall be taken and depending.

11 And that al attaints hereafter to be taken, shalbe taken afore the king in his bench or afore the Justices of the common place, & in none other Courts. And that Nisi prius shall be granted by discretion of the Justices vpon the distres. And euerie of the said petite Iurie may appeare and aunswere by attorney in the said attaint. And that the moity of the said forfaiture of the petit Iury shalbe leuied to vse of our soueraigne lord by Capias ad satisfaciend', or Fieri facias, or Elegit, or by actiō of debt, against euery person of the petit iury so forfaitting, & against his executors and administrators, hauing then sufficient goods of their layde testator not administred: and the other moitie shall by like process be leuied to the vse of the party that sueth any attaint giuen by this act, against euerie of the said petit iurie and his executors or administrators, hauing then sufficiencie of goods as is aforesaid, not administred, and the iudgement of restitution to the partie grieued suing this act & execution of the same to be had, and like iudgemēt for the partie defendant or tenant to be discharged of restitution, as afore this present act in case of a graund attaint had bin vsed.

12 And if there be diuers plaintiffs or demaundants in attaint, that the nonsuit or release of any of them shall not be in anywise hurtful or preiudicial to thereslidue, but that they & euery of them in such cases may be summoned and seuered like as it is vsed

when there be diuers demandants in actions reals.

13 Be it also ordeined and enacted by the authoritie aboueſaid, that in euerie writ of attaint hereafter to be taken by or vpon this act, the which ſhall be ſuch as other writs of attaint be, and after the Teſte of the ſame writ, ſhall be written theſe words in latine, Per ſtatut cõtinuat vſq; annum viceſimũ tercium dñi Hẽrici octaui, dei gratia Angliæ & Franç' Regis fidei defenſ. & dñi Hibernię.

14 And it is also enacted, that this act ſhal take effect for verdictes hereafter to be giuen, and to continue to the laſt day of the next parliament,

15 Prouided alway, that this act be not preiudiciall to a ſtatute made in the xj. yere of the late king of famous memorie Henrie the viij. for punishment of Periurie in vntrue verdictes giuen in plaints ſued in the Courtes of the Citie of London, but that it ſhalbe at the libertie of al perſons, for and vpõ any vntrue verdict giuen in any courts of the ſame citie, to ſue their Attaint vpon this eſtatute, or elſe vpon the ſaid eſtatute made in the ſaid xj. yere at their owne pleaſures and willes. [See Anno 11.H.7.ca.21. Attaint. 13. for Attaints in London.

16 Note that this Statute is made perpetuall, An. 13. Eliz. ca. 25.

An act expressing an order for Vses, and Willes, An.27.H.8.cap.10.

Vses 9.

Where, by the commons Lawes of this Realme, lands, tenementes, and hereditaments, be not deuisable by testament, nor ought to be transferred from one to an other, but by solempne liuery & seisin, matter of record, writing sufficient, made bona fide, without coun or fraude: yet neuertheleſſe, diuers and sundry imaginations, subtill inuentions, and practises haue bēn vsed, wherby the hereditaments of this Realme haue bēn conueyed from one to an other by fraudulent feoffements, fines, recoueries, & other assurances craftely made, to secret vses, intents, and trustes, and also by willes & testaments, sometime made by mere parol and wordes, sometime by signes and tokens, and sometime by writing, and for the most part made by such persons as be visited with sicknes in their extreame agonies and paines, or at such time as they haue had scantly any good memorie or remembrance; at which times they being prouoked by greedy & couetous persons lying in awayte about them, do many times dispose indiscretly, & vnaduisedly their lands and inheritances: by reason whereof and by occasion of which fraudulent feoffements, fines, recoueries, and other like assurances to vses, confidences, and trustes, diuers and

many heires haue bée iniuriie at sundrie times disherited, the Lords haue lost their wardes mariages, reliefes, harriots, escheates, aydes pur faire fits chiualer, & pur fille marier, and scantly any person can be certeinly assured of any lands by them purchased, nor knowen surely against whom they shall vse their actions, or execution for their rights, titles, & duties.

2 Also men maried haue lost their tenancy by the curtesie, women their dowers, manifest periuries, by triall of such secret writes and vses, haue been committed.

3 The kings highnesse hath lost the profits and aduantages of the lands of persons attainted, & the lands craftely put in feoffement to the vses of aliens borne, & also the profits of wast for a yeare & a day, of lands of felons attainted, and the Lords their escheates thereof, and many other inconueniences haue happened, and daily do encrease among ye K. subiects, to their great trouble and iniquietnes, to the vtter subuersion of the auncient common lawes of this realm.

4 For the extirping and extinguishment of al such subtil practised feoffements, fines, reconeries, abuses, and errours, heretofore vsed and accustomed in this Realme, to the subuersion of the good & auncient lawes of the same: and to the intent that the kings highnes, or any other his subiects of this Realme, shall not in any wise hereafter by any meanes or inuentions, bee deceiued,

damaged,

damaged, or hurted, by reason of such trustes, vses, or confidences: It may please the kings most royal Maiestie, that it may be enacted by his highnes, by thassent of the Lords spirituall and temporall, and the commons in this present parliament assembled, and by authoritie of the same, in maner and fourme following, that is to say: ¶ That where any person or persons stãd or be seised, or at any time hereafter shall happen to be seised, of, and in any honors, castels, manors, lands, tenements, rents, seruices, reuersions, remainders, or other hereditamẽts, to the vse, confidence, or trust, of any other person or persons, or of any bodie politique, by reason of any bargaine, sale, feoffement, fine, recouerie, couenant, contract, agrément, will, or otherwise, by any maner meanes whatsoeuer it be, that in euery such case, all and euery such person and persons, and bodyes politique, that haue, or hereafter shall haue any such vse, confidence, or trust, in fée simple, fée taile, for terme of life, or of yeares, or otherwise, or any vse, confidence, or trust in remainder, or reuerter, shall from henceforth stand and be seised, deemed, and adiudged in lawfull seisin, estate and possession, of, and in the same honours, castels, manours, landes, tenements, rents, seruices, reuersions, remainders, and hereditaments with their appurtenances, to all intentes, constructions, and purposes in the law, of, and in such like

like estates, as they had, or shall haue in vse, trust, or confidence, of, or in the same.

6 And that the estate, title, right, and possession that was in such person or persons, that were, or hereafter shall be seised of any lands, tenements, or hereditaments, to the vse, confidence, or trust of any such person or persons, or of any bodie politike, be from henceforth cleerely deemed, and adiudged, to be in him or them that haue, or hereafter shall haue such vse, confidence, or trust, after such qualitie, maner, forme, and condition, as they had before, in, or to the vse, confidence, or trust that was in them.

7 And be it further enacted by the authoritie aforesaid, that where diuers and many persons, be, or hereafter shall happen to be iointly seised, of, & in any lands, tenements, rents, reuersions, remainders, or other hereditaments, to the vse, confidence, or trust of any of them, that be so iointly seised, that in euery such case, that those person or persons, which haue, or hereafter shal haue any such vses, confidence, or trust, in any such lands, tenemẽts, rents, reuersions, remainders, or hereditaments, shall from henceforth, haue, and be deemed and adiudged to haue, only to him or them, that haue, or hereafter shall haue such vse, confidence, or trust, such estate, possession, & seisin, of, and in the same lands, tenements, rents, reuersions, remainders, or other hereditaments, in like nature, maner, forme, condition, and course,

as

as he, or they had before in the vse, confidence, or trust, of the same lands, tenements, or hereditaments.

8 Saving, and reseruing to all & singuler persons, and bodies politike, their heires and successors, other then those person or persons, which be seised, or hereafter shal be seised of any lands, tenements, or hereditamēts, to any vse, confidence, or trust, all such right, title, entrie, interest, possession, rents, & action, as they, or any of them had, or might haue had before the making of this Act.

9 And also sauing to all and singuler those persons, & to their heires, which be, or hereafter shal be seised, to any vse, all such former right, tutle, entrie, interest possessions, rents, customes, seruices, & action, as they, or any of them might haue had to his or their owne proper vse, in, or to any manors, lands, tenements, rents, or hereditaments, whereof they be, or hereafter shall be seised to any other vse, as if this present Act had neuer been had or made: any thing contained in this act to the contrary notwithstanding.

10 And where also diuers persons stand & be seised, of, and in any lands, tenements, or hereditamēts, in fee simple, or otherwise, to the vse or intent that some other person or persons, shal haue & perceiue perely to them and to his or their heires, one annuall rent of ten poundes, or more, or lesse, out of the same lands & tenements, & some other person, one other annuall rent to him and his

assignes

assignes for terme of life, or yeares, or for some other speciall time, according to such intent, and vse, as hath bēn heretofore declared, limited, & made thereof. Be it therefore enacted by the authority aforesaid, that in euery such case, the same persons their heires, and assignes, that haue such vse and interest, to haue and perceiue any such annuall rents out of any lands, tenements, or hereditaments, that they and euery of them, their heires, and assignes, be adiudged and deemed to be in possession and seisin of the same rent, of, and in such like estate, as they had in the title, interest, or vse of the said rent, or profite, and as if a sufficient graunt, or other lawfull conueiance had bēn made & executed to them, by such as were or shall be seised to the vse or intent of any such rent, to be had, made, or paied, according to the verie trust and intent thereof.

11 And that al and euery such person and persons, as haue, or hereafter shal haue any title, vse, & interest, in, or to any such rent or profit, shall lawfully distraine for non payment of the said rent, & in their owne names make auowries, or by their baylifes or seruants make cognusances & iustifications, & haue all other suites entries, & remedies, for such rents, as if the same rents had bēn actually & really graunted to them, with sufficiēt clauses of distres, reēntry, or otherwise, according to such cōditions, paines, or other things limited & appointed vpon the trust

and

and intent for paimēt or suerty of such rent.

12 And be it further enacted by the authoritie aforesaid, that whereas diuers persons haue purchased, or haue estate made & conueyed, of, & in diuers lands, tenements, and hereditaments, vnto them, and to their wiues, & to the heires of the husband, or to the husband & to the wife, and to the heires of their two bodies begotten, or to the heires of one of their bodies begotten, or to the husband, & to the wife for terme of their liues, or for terme of life of the said wife:

13 Or wher any such estate, or purchase of any lands, tenements, or hereditamē'ts, hath ben, or hereafter shall be made to any husband and to his wife, in maner and forme aboue expressed, or to any other person or persons, & to their heires & assignes, to the vse and behoufe of the said husband & wife, or to the vse of the wife, as is before rehearsed, for the iointure of the wife: that then in euery such case, euery woman marryed, having such iointure made, or hereafter to be made, shall not claime, nor haue title to haue any dower of the residue of the lands, tenements, or hereditaments, that at any time were her said husbands, by whom shee hath any such iointure, nor shall demaunde, nor claime her dower, of, & against thē that haue the lands, and inheritances of her said husband. But if she haue no such iointure, then she shall be admitted & inhabled to pursue, haue, and demaunde her dower, by writ of

dower,

dower, after the due course & order of the common Lawes of this Realme: this Act or any law or prouision made to the contrarie thereof notwithstanding.

14 Prouided alway, that if any such woman be lawfully expulsed, or euicted from her said iointure, or from any part thereof, without any fraud or couin, by lawfull entrie, action, or by discontinuance of her husband: then euery such woman shall be endowed of asmuch of the residue of her husbands tenements, or hereditamẽts, whereof she was before dowable, as the same lands and tenements, so euicted & expulsed, shall amount or extend vnto.

15 Prouided also, that this Act, or any thing therein contained or expressed, extend not, nor be in anywise hurtful or preiudicial to any woman, or women, heretofore being maried, of, for, or concerning such right, title, vse, interest, or possession, as they or any of them haue, claime, or pretend to haue for her or their iointure, or dower, of, in, or to any manors, lands, tenements, or other hereditamẽts, of any of their late husbands being now dead or deceased: any thing contained in this act to the contrary notwithstãding.

16 Prouided also, that if any wife haue, or hereafter shall haue any manors, lands, tenements, or hereditaments, vnto her gyuen or assured after mariage, for term of her life, or otherwise in iointure, except the same assurance be to her made by Act of parliament,

ment, and the said wife after that fortune to ouerline the same her husband, in whose time the said iointure was made or assured vnto her, that then the same wife, so ouerlining, shall and may at her libertie, after the death of her said husband, refuse to haue and take the lands and tenements, so to her given, appointed, or assured, during the couerture, for terme of her life, or otherwise, in iointure (except the same assurance be to her made by Act of parliament, as is aforesaid) and thereupon to haue, aske, demaund and take her dower, by writ of dower, or otherwise, according to the common Law, of, and in all such lands, tenements, & hereditaments, as her husband was and stood seised of any estate of inheritance, at any time during the couerture: any thing contayned in this Act to the contrarie in any wise notwithstanding.

17 Prouided also that this present Act, nor any thing therein contained, extend, nor be at any time hereafter interpreted, exponded, or taken, to extinct, releale, discharge or suspend, any statute, recognisance, or other bond by the execution of any estate, of, or in any lands, tenements, or hereditaments, by the authoritie of this Act, to any person or persons, or bodies politique: any thing contained in this Act to the contrarie thereof notwithstanding.

18 And forasmuch as great ambiguities & doubts may arise of the validity and inua-

lidity

lidity of wills heretofore made of any lands, tenements, and hereditaments, to the great trouble of the kings subiects: The kings most royall Maiestie, minding the tranquilitie & rest of his loving subiects, of his most excellent and accustomed goodnesse is pleased & contented, that it be enacted by the authoritie of this present Parliament, that all maner true & iust willes and Testaments, heretofore made, by any person or persons, deceased, or that shall decease, before the first day of May, that shall be in the yeare of our Lord God M. v. C. xxxvj. of any lands, tenements, or other hereditaments, shall be taken and accepted good & effectuall in the law, after such fashion, maner, and forme, as they were commonly taken & vsed, at any time within fortie yeares next before the making of this Act: any thing contained in this Act, or in the Preamble thereof, or any opinion of the common Law to the contrarie thereof notwithstanding.

19 Prouided alwayes, that the Kinges highnesse, shall not haue, demaund, or take any aduantage or profit, for, or by occasion of the executing of any estate only by authoritie of this Act, to any person or persons, or bodies politikque, which now haue, or on this side the said first day of May, which shall be in the yeare of our Lord God 1536. shall haue any vse or vses, trustes, or confidences, in any manours, lands, tenements, or hereditamẽts, holden of the kings

highnesse,

highnesse, by reason of primer seisin, Liveries, Ouster le maine, Fine for alienation, Relieffe, or Harriot, but that Fines for alienations, Reliefes, & Harriots, shal be paied to the Kings highnesse.

10 And also Liveries, & Ouster le mains shall be sued for vses, trustes, and confidences to be made and executed in possession, by authority of this Act, after and from the said first day of May, of lands and tenements, and other hereditamēts holden of the king, in such like maner & forme, to all intents, considerations, and purposes, as hath heretofore bēn vsed or accustomed by the order of the Lawes of this Realme.

11 Prouided also, that no other person or persons, or bodies politique, of whom any lands, tenements, or hereditaments be, or hereafter shall be holden, mediate or immediate, shall in any wise demaund or take any fine, relieffe, or harriot, for, or by occasion of the executing of any estate by the authoritie of this Act to any person or persons, or bodies politique, before the said first day of May, which shall be in the yeare of our Lord God 1536.

12 And be it enacted by authoritie aforesaid, that all & singuler person & persons, and bodies politique, which at any time on this side the said first day of May, which shall be in the yere of our Lord God 1536. shal haue any estate vnto them executed, of, and in any lands, tenements, or hereditaments, by the

authoritie of this Act, shall & may haue and take the same or like aduantage, benefite, boucher, aide praier, remedy, commodity, & profite, by action, entrie, condition, or otherwise, to all intents, constructions or purposes, as the persō or persons seised to their vse, of, or in any such lands, tenements, or hereditaments, so executed, had, should, might or ought to haue had, at the time of the execution of the estate thereof, by the authority of this act, against any other person or persons, of, or for any wast, disseisin, trespas, condition broken, or any other offence, cause, or thing concerning or touching the said lands or tenements so executed by the authority of this act.

23 Prouided also, and be it enacted by the authoritie aforesaid, that actions nowe depending against any person or persons, seised of, or in any lands, tenements, or hereditaments, to any vse, trust or confidence, shall not abate, ne be discharged, for or by reason of executing of any estate thereof by authority of this act, before the said first day of May which shall be in the yere of our Lord God 1536. any thing contained in this act to the contrary notwithstanding.

24 Prouided also, that this act nor any thing therein contained, shall not be preiudicial to the Kings highnes, for wardships of heires nowe being within age, nor for ryueries, or for ouster le main, to be sued by any person or persons nowe being within

age,

age, or of full age, of any lands or tenemēts unto the same heire or heires now alreadie discended, any thing in this act conteined to the contrary notwithstanding.

¶ Prouided also, & be it enacted by the authority aforesaid, that al & singuler recognisices heretofore knowledged, takē or made, to the K. vse, for or concerning any recouerie of any lands, tenements or hereditaments, heretofore vsed or had, by writ or writs of Entre vpon disseisin en le post, shall fromhenceforth be vtterly void, & of none effect to al intents, constructions, & purposes.

¶ Prouided also, that this act, nor any thing therein contained, be in any wise prejudicial or hurtful to any person or persons born in Wales, or the marches of the same which shal haue any estate to them executed by authoritie of this act, in any lands, tenements, or other hereditaments, within this Realme, whereof any other person or persons, now stand or be seised, to the vse of any such person or persons borne in Wales, or in the marches of the same: but that the same person or persons borne in Wales or in the marches of ye same, shall or may lawfully haue, reteine or kepe the same lands tenements or other hereditaments, wherof estate shall be so vnto them executed by the authoritie of this act according to the tenor of the same, any thing in this act contained, or any other act or prouision heretofore had or made to the contrary, notwithstanding.

An act concerning Inrolments of Bargaines and Contracts of lands and tenements, Anno 27. H. 8. cap. 16.

Inrolments 1.

BE it enacted by the authoritie of this present Parliament, that from the last day of July, which shal be in the yeare of our Lord God 1536. no manors, lands, tenements, or other hereditaments, shal passe, alter, or change, from one to an other, whereby any estate of inheritance or freehold shal be made or take effect in any person or persons, or any vse thereof to be made, by reason onely of any bargaine & sale thereof, except the same bargaine and sale be made by writing indented, sealed, & inrolled in one of the Kings Courts of record at Westminster, or else within the same Countie or Counties where the same manors, lands, or tenemẽts so bargained & sold, lie or be, before the Custos Rotulorum, and two Justices of the peace, & the Clerke of the peace of the same countie or counties, or two of them at the least, whereof the Clerke of the peace to be one: And the same Inrolment to be had & made within six Monethes next after the date of the same writings indẽted, the same Custos Rotulorum, or Justices of the peace, & Clerke, taking for the inrolment of every such writing indented before them, where the land comprised in the same writing exceed not the yearely value of xl. shillinges, ij. s. that is to say, xij. d. to the Justices,

and

and xij.d. to the Clerke, & for the inrolment of every such writing indented before them, wherein ye land comprised exceed the summe of xl.s yearely value v.s. that is to say, ij s. vj.d. to the said Justices, and ij.s. vj.d. to the said Clerke for the inrolling of the same.

2 And that the Clerke of the peace for the time being, within every such Countie, shal sufficiently inroll & ingrosse in parchment the same deedes or writings indented, as is aforesaid, and the Rols thereof, at the end of every yeare shall deliuer vnto the Custos Rotulorum of the same Countie for the time being, there to remaine in the custodie of the said Custos Rotulorum for the time being, amongst other Records of every of the same counties, where any such inrolments shalbe so made, to the intent that every party that hath to do therwith may resort & see ye effect & tenour of every such writing so inrolled.

3 Prouided alwaies that this act, nor any thing therein contained, extend not to any manor, lands, tenements, or hereditaments, lying or being within any Citie, Borough, or Towne corporate within this Realme, wherin the Maiors, Recorders, Chamberlains, bailifs, or other officer or officers haue authority, or haue lawfully vsed, to inrol any euidences, deeds, or other writings within their precinct or limits: any thing in this act contained, to the contrary notwithstanding. [See after a Stat. made 34.H.8.ca.22. touching deeds inrolled in such Cities &c.

An act concerning Iointenants, and Tenants in common, Añ 31. H. 8. cap. 1.

Partition 2.

FOrasmuch as by the Common Lawes of this Realme, diuers of the Kings subiects, being seised of manors, lands, tenements, and hereditaments, as Iointenants, or as Tenants in common, with other of any estate of inheritance, in their owne rights, or in the right of their wiues, by purchase, discent, or otherwise, & euery of them so being Iointenants, or Tenants in common, haue like right, title, interest, or possession in the same manors, lands, tenemẽts & hereditaments, for their parts & portions iointly or in common vndiuidedly together with other, & none of them by the law doth or may know their seuerall parts or portions in the same, or that that is his or theirs by it selfe vndiuided; and cannot by the Lawes of this Realme otherwise occupie or take the profits of the same, or make any seuerance, diuision, or partition thereof, without other of their mutuall assents and consents: by reason whereof diuers & many of them, being so iointly & vndiuidedly seised of the said manours, lands, tenements, & hereditamẽts, oftentimes of their peruerse, couetous, and malicious mindes and wils, against all right, iustice, equitie, & good conscience, by strength & power, haue not only cut and selled downe all the woods & trees

growing

growing vpon the same, but also haue extirped, subuerted, pulled downe, & distroied all the houses, edifications, and buyldings, meadowes, pastures, commons, & the whole commodities of the same, & haue taken and conuerted them to their owne vses, and behoues, to the open wrong & disherison, and against the mindes and wils of other, holding the same manors, lands, tenements, & hereditaments, iointly or in common with them, and they haue beene alwaies without assured remedy for the same.

2 Be it therefore enacted by the King our most dread soueraign Lord, and by thassent of the Lords spirituall & temporall, and by the commons in this present parliament assembled, that all Iointenants, & Tenants in common, that now be, or hereafter shall be, of any estate or estates of inheritance, in their owne rights, or in the right of their wiues, of any manors, lands, tenements, or hereditaments, within this Realme of England, Wales, or the marches of ye same, shall and may be coacted and compelled by vertue of this present act, to make partition betweene them, of all such manors, lands, tenements, and hereditaments, as they now hold, or hereafter shal hold, as Iointenants, or tenants in common, by writ De Partitione facienda in that case to be deuised, in the king our soueraign Lords court of Chauncery, in like maner & forme as Coparceners by the common Lawes of this realme, haue

been and are compelled to doe, and the same writ to be pursued at the common law.

3 Prouided alway, and be it enacted, that euerie of the said tointenants or tenants in common, and their heires, after such partition made, shall and may haue ayde of the other, or of their heires, to the intent to dereigne the warrantie paramont, and to recouer for the rate, as is vsed between coperceners after partition made by the order of the common law, any thing in this act, contained to the contrarie notwithstanding. [Hée after a statute made 32. H. 8. cap. 32. touching partition betweene tenants of perticuler estates.

Monasteries.

An act wherby Religious houses are dissolued, and their lands are assured to the king. And how leases and graunts made of them shall take effect, anno 31. H. 8. cap. 13.

Monasteries 4.

Where diuers & sundrie abbots, priors, abbesses, priorresses, and other ecclesiastical gouernors and gouernesses, of diuers monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, & other religious and ecclesiastical houses & places, within this our soueraigne lord, the kings realm of England & Wales, of their owne free and voluntarie minde,

good wilies, and assents without constraint
caution or compulsion of any maner of per-
son or persons, sithen the iiij. day of Februa-
ry, the xxvij. yeare of the raigne of our now
most dread soueraigne lord, by the due order
& course of the common lawes of this his
realme of England, and by their sufficient
writings of Record, vnder their couent and
commō Seales, haue seuerally given, gran-
ted, & by the same their writings seuerally
confirmed, all their said monasteries, abba-
thies, priories, nunries, colledges, hospi-
tals, houses of friers, & other religious and
ecclesiasticall houses and places, & all their
sites, circuits, & precincts, of the same, & all &
singuler their manors, lordships, granges,
meases, lands, tenements, medowes, pas-
tures, rents, reuersions, seruices, woods,
tithes, pensions, portions, churches, chap-
pels, aduowsons, patronages, annuities,
rights, entries, conditions, commons, leets,
courts, liberties, priuiledges, & fraunchises,
appertaining or in any wise belonging to a-
ny such monastery, abbathie, priory, nunry,
colledge, hospitall, house of friers, and other
religious and ecclesiasticall houses and pla-
ces or to any of them, by whatsoeuer name
or corporation they or any of them were thō
named or called, and of what order, habite,
religion, or other kind of quality soeuer they
or any of them then were reputed, knowen
or taken.

1 To haue and to hold all the said mona-
ste-

steries, abbathies, priorys, nunries, colledges, hospitals, houses of friers, & other religious & ecclesiasticall houses and places, sites, circuits, precincts, manors, lands, tenements, medowes, pastures, rents, reuersions, seruices, and all other the premisses, to our said soueraigne Lord his heires and successours for euer, and the same their said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious and ecclesiastical houses & places, sites, circuites, precincts, manours, lordships, granges, meases, lands, tenements, meadowes, pastures, rents, reuersions, seruices, and other the premisses voluntarily as is aforesaid, haue renounced left, & forsaken, and euery of them hath renounced, left and forsaken.

3 Be it therefore enacted by the king our soueraigne Lord, & the lords spirituall and temporall, and the commons in this present parliament assembled, & by authoritie of the same, that the king our soueraigne lord shall haue, hold, possede, & inioy to him, his heirs & successors for euer, all & singuler such late monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, & other religious & ecclesiasticall houses & places, of what kinds, natures, qualities, or diuersities of habites, rules, professions or orders they or any of them were named, knowen, or called, which sith the said 4. day of Februarie, the xxviij. yeare of the raigne of our said

soueraigne Lord, haue been dissolued, suppressed, renounced, relinquished, forfaited, given vp, or by any other meane come to his highnesse, and by the same authoritie, & in like maner shall haue, hold, posseed, & inioy all the sites, circuits, precincts, manors, lordships, graunges, meases, lands, tenements, meadowes, pastures, rents, reuersions, seruices, woods, tythes, pensions, porcions, patronages appropried, vicarages, churches, chappels, aduowsons, nominations, patronages, annuities, rights, interesses, entries, conditions, [See 32. H. 8. cap. 34] commons, leetes, courts, liberties, priuiledges, franchises, & other whatsoeuer hereditamēts, which apperteined or belonged, to the said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious or ecclesiasticall houses and places, or to any of them, in as large and ample maner & forme, as the late abbots, priors, abbesses, priorresses, and other ecclesiasticall gouernors & gouernesses, of such late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious & ecclesiasticall houses & places, had, held, or occupied, or of right ought to haue had, holden, or occupied in the right of their said late monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, or other religious or ecclesiastical houses or places, at the time of the said dissolution, suppression, renouncing, relin=

reliquishing, forfayting, giuing vp, or by any other manner of meane comming of the same to the kings highnes, sithen the 4. day of Februarie aboue specified.

4 And it is further enacted by the authority aboueſaid, that not only all the ſaid late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious and ecclesiasticall houses and places, sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, medowes, pastures, rents, reuersions, seruices, and all other the premisses forthwith immediately & presently, but also all other monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and al other religious and ecclesiastical houses & places, which hereafter shall happen to be dissolued, suppressed, renounced, relinquished, forfayted, giuen vp, or by any other meane come vnto the kings highnesse, and also all the sites, circuites, precincts, manors, lordships, granges, meases, lands, tenements, meadowes, pastures, rents, reuersions, seruices, woods, tythes, pensions, porcions, parsonages appropriate, vicarages, churches, chappels, aduowsions, nominations, patronages, annuities, rights, interests, entries, conditions, commons, leets, courts, liberties, priuileges, franchises and other hereditaments, whatsoeuer they be belõging or apperteining to the same, or any of them, whensoeuer & as sone as they shall

be

be dissolued, suppressed, renounced, relinquished, forfaited, giuē vp, or by any other mean come vnto the kings highnes, shalbe vested, deemed, and adiudged, by authoritie of this present parliament, in the very actual & reall action and possession of the king our soueraigne Lord, his heires and successours for euer, in the state and condition as they now be, and as though all the said late monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, and all other religious and ecclesiasticall houses & places, so dissolued, suppressed, renounced, relinquished, forfaited, giuē vp, or come to the kings highnes as is aforesaid, as also the said monasteries, abbathies, priories, nunries, colleges, hospitalls, houses of friers, & other religious & ecclesiastical houses, and places, which hereafter shal happen to be dissolued, suppressed, renounced, relinquished, forfatied giuen vp, or come vnto the kings highnes, sites, circuits, precincts, manors, lordships, graunges, lands, tenemēts, & other the premisses, whatsoeuer they be, & euerie of them, were in this present act specially & particularly reherseed named, & expressed by expresse words, names, titles, & faculties, & in their natures, kinds, and qualities.

5 And be it also enacted by the authoritie aforesaid, that all the said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious, & ecclesiastical houses & places which bin dissolued,

solued, suppressed, renounced, relinquished, giuen vp, or come to the kings highnesse, by any maner of meanes, as is aforesaid, and all the manors, lordships, granges, lands, tenements, and other the premisses, (except such therof as be cõmen to the kings hands by attainder or attainders of Treason) and all the said Monasteries, abbathes, priories, nunries, colledges, hospitals, houses of friers, & other religious & ecclesiastical houses or places, which hereafter shal happen to be dissolued, suppressed, renounced, relinquished, forfatied, giuen vp, or come vnto the kings highnesse, & all the manors, lordships, graunges, lands, tenements, medowes, pastures, rents, reuersions, seruices, woods, tithes, portions, pensions, parsonages appropriat, vicarages, churches, chappels, auowsons, nominations, patronages, annuities, rights, interests, entries, conditions, commõs, leets, courts, liberties, priuileges, franchises, & other hereditaments whatsoeuer they be, belonging to the same, or to any of them (except such therof, which shall happen to come to ye kings highnes by attainder or attainders of treason) shal be in the order, surueyes, & gouernance of our said soueraigne Lord the kings court of Augmentations of the reuenues of his crowne, & of the chauncellor, officers, & ministers of the same.

5 And all the fermes, issues, reuenues, & profits, comming & growing of the premisses, & of euery part therof, (except before ex-

cepted)

cepted) shall be ordered, taken, & received to the kings vse by the said Chancellor, ministers, & officers of the same court, in such & like maner & forme, as the monasteries, priories, sites, circuits, manors, graũges, messes, lands, tenements, rents, reuersions, seruices, tithes, pẽsions, porcions, aduowsons, patronages, rights, entries, conditions, and other hereditaments late appertayning or belonging vnto ye Monasteries, abbathies, priories, or other Religious houses, late by authoritie of parliament suppressed, [viz. 27. H. 8. vt patet, but in Rastals collect' Monast. 9.] bene ordered, surueyed, and gouerned.

6 Hauing to all & euery person & persõs, & bodies politike, & their heires & successors, & the heires & successors of al & euery of them, other then the said late Abbots, priors, abbesses, prioresses, & other ecclesiasticall gouernors & gouernesses, of the said late Monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious & ecclesiasticall houses & places, & their successors, & the successors of euery of them, & such as pretend to be founders, patrons, or donors of such monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other ecclesiastical houses and places, or of any manors, mesuages, lands, tenements, or other hereditaments, belonging to the same, or to any of them, their heires & successors, and the heires and successors of euery of such founder, patron,

or

or donor, and the now abbots, priors, abbesses, prioresses, & other ecclesiasticall gouernors, & gouernesses of such monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious & ecclesiastical houses & places, which hereafter shall happen to be dissolued, suppressed, renounced, relinquished, forfaited, giuen vp, or come to the kings highnesse, and such as pretend to be founders, patrons, or donors of such Monasteries, Abbathies, priories, nnries, colleges, hospitals, houses of friers, & other ecclesiasticall houses & places, or of any manors, messuages, lands, tenements, or other hereditaments to the same belonging, or to any of them, their heires and successors, & the heires and successors of every of them, all such right, title, claime, interest, possession, rents, charges, annuities, leases, fermes, offices, fees, liueries, & ipuings, pensions, pensions, corodies, cõmons, synodes, priories, & other profites, which they or any of them haue, claime, ought, may, or might haue had, in, or to the premisses, or to any part or parcell thereof, in such like manner, forme, & condition, to all intents, respects, constructions & purposes, as if this Act had neuer bẽn had ne made, (rents seruices, rent seck, and all other seruices & sutes only except.)

7 Prouided alwaies, and be it enacted by the authoritie abouesaid, that if any late abbot, prior, priores, abbesse, or ther ecclesiasticall

sticall gouernor or gouernesse abouesaid, within one yere next before the dissolution, suppression, renouncing, relinquishing, surrendring, giuing vp, or commyng to the kynges maiestie, of his late monasterie, abbathie, priorie, nunrie, colledge, hospitall, house of friers, or other religious or ecclesiasticall house or place, hath made any lease or grãt, under his conset or cõmon seal, or otherwise for terme of life, or for terme of yeres, of the premisses, & parcels, of his said late monasterie, abbathie, priorie, nunrie, colledge, hospitall, house of friers, or other religious & ecclesiasticall house or place, or of any part thereof, or of any manors, messuages, mansages, lands, tenements, parsonages appropriate, tithes, pensions, porcions, or other hereditaments, which belonged or appertained to his said late monasterie, abbathie, priorie, nunrie, colledge, hospitall, house of friers, or other religious or ecclesiastical house or place, which manors, messuages, mansages, lands, tenements, parsonages appropriate, tythes, pensions, porcions, or other hereditaments, were not before the same lease commonly vsed to be set nor let in farme, but kept & reserued in the maintenance, tillage, or occupation of the said gouernour or gouernesse, for the maintenance of hospitalitie and god house keeping: or within one yere, as is abouesaid, hath made any lease or graunt for terme of life, or for terme of yeares, or of any manors, messua-

ges, lands, tenements, meadowes, pastures, woods, parsonages appropriate, tithes, pensions, porcions, churches, chappels, or other hereditaments whatsoever they be, whereof, or in the which any estate or interest for terme of life, yeare or yeares, at the time of the making of any such graunt or lease, then had his being or continuance, and then were not determined, finished, or expired: or were in the time of one yere, as is aforesaid, hath made any lease or graunt for terme of life, or for terms of yeares, of any manors, messuages, lands, tenements, meadows, pastures, woods, parsonages appropriate, tithes, pensions, porcions, churches, chappels or other hereditaments whatsoever they be, upon the which leases & graunts, the vsuall and ancient rents & seruices, accustomed to be yelded, reserued by the space of xx. yeres, next before the first day of this present parliament, or be not, thereupon reserued and yelded: or any such gouernor or gouernesse, hath made any bargaine or sale of his woods, within one yeare, as is afore limited, which woods be yet growing and standing: that then euerie such lease, graunt, bargaine & sale of wood or woods, shall be vtterly void and of none effect.

3 And it is also, enacted by authority foresaid, that all fromfements, fines, and couenties, had, made, acknowled ged, or suffered by any gouernor or gouernesse, without the kings licence vnder the great seale, shall

one yere next before the dissolution, renouncing, relinquishing, forfaiting, yeuing vp, or conuaying into the kings highnes of his said monasterie, abbathie, priorie, nunrie, colledge, hospitall, house of friers, or other religious or ecclesiasticall house or place, or any manors, messes, landes, tenements, or other hereditaments, whatsoever they be, which the said late abbot, prior, abbesse, prioresse, and other ecclesiasticall gouernor or gouernesse, or any of them, or any of their predecessors had or held, of the gift, graunt or confirmation of our said souerain Lord, or any of his highnesse progenitors, or of the which monasteries, abbathies, priories, nunries, colledges, hospitalles, houses of friers, or other religious or ecclesiasticall houses or places, our said souerain Lord was founder or patron, or which manors, messes, landes, tenements, or other heredytaments were of the auncient or olde foundacion or possessiō of the said late monasteries, abbathies, priories, nūneries, colledges, hospitalles, houses of friers, or other religious or ecclesiasticall houses or places shall vtterly bode void of none effect.

And it is further enacted by the authoritie aforesaid, that if any abbot, prior, abbesse, prioresse, or other ecclesiasticall gouernor or gouernesse of any monastery, abbathie, priorie, nūnry, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, which hereafter shall happen

to be dissolved, suppressed, extinguished, vtterly vanquished, forfaited, given vp, or come to the kings highnes within two yeres next before the first day of this present Parliament, haue made, or hereafter be made any lease or grant vnder his consent or common seale, or otherwise for terme of yeares, or life, or liues, of the site, circuit, and precinct of the said monastery, abbathie, priory, nunry, college, hospital, house of friers, or other religious or ecclesiastical house or place, or of any part thereof, or any manors, mesuages, lands, tenements, parsonages appropriate, tythes, pensions, portions, or hereditaments belonging or appertaining to his said monastery, abbathie, priory, nunrie, college, hospitall, house of friers, or other religious or ecclesiastical house or place: which manors, mesuages, grauages, lands, tenements, parsonages appropriate, tithes, pensions, portions, and other hereditaments, whatsoeuer they be, were not before the same lease, commonly vsed to be let out to ferme, but kept and reserued in the nurrance, tillage, or occupation of the said gouernour or gouernesse, for the maintenance of hospitality and good house keeping, or rather be in the maintenance, tillage, or occupation of the said gouernour or gouernesse, for the maintenance of hospitality & good house keeping, or within one yeare next before the first day of this present parliament, hath made, or hereafter shall make any

any lease or graunt for terme of life, or for terme of yeares, of any manors, messes, lands, tenements, meadowes, pastures, woods, parsonages appropriate, tithes, pensions, porcions, churches, chappels, or other hereditaments, whatsoever they be, whereof and in the which any estate or interest for terme of life, yeare or yeares, at the time of the making of any such graunt or lease, then had his being or continuance, or hereafter shall haue his being or continuance, and that was not determined, finished, or expyred, or at the time of any such lease to be made, shall not be determined, finished, or expyred, or within one yeare next before the first day of this present Parliament, hath made, or hereafter shall make any lease or graunt for terme of life, or for terme of yeres, of any manors, mesuages, lands, tenemēts, meadowes, pastures, woods, parsonages appropriate, tithes, pensions, porcions, churches, chappels, or other hereditamēts what soever they be, vpon the which leases and graunts the vsuall and old rents & ferines, accustomed to be yelden & reserued by the space of xx. yeres, next before the said first day of this present parliament, is or be not, or hereafter shall not be thereupon reserued & yelden: Or if any such gouernor or gouernesse, of any such monasterie, abbathie, priory, nunry, college, hospital, house of friers, or other religious or ecclesiastical house or place, which hereafter shall happen to be

dissolued, suppressed, renounced, relinquished, forfaited, giuen vp, or come to ye kings highnesse, within one yeare next before the first day of this present Parliament, hath made, or hereafter shal make any bargain or sale of his woods, which woods be yet growing & standing: that then all & euery such lease, graunt, bargaine, and sale of woods or woods, shal be vtterly void & of none effect.

10 And it is also enacted by the authoritie aforesaid, that all fee-fermentes, fines, & recoueries, had, made, knowledged, or suffered, within one yeare next before the first day of this preset parliamēt, or hereafter to be had, made, knowledged, or suffered, by any gouernour or gouernesse, of any monasterie, abbeyte, priorie, nunrie, colledge, hospitall, house of friers, or other religious or ecclesiastical house or place, which hereafter shall happen to be dissolued, suppressed, renounced, relinquished, forfaited, giuen vp, or come to the kings highnesse, without the kings licence vnder his great seale, of any manors, messes, lands, tenemēts or other hereditaments whatsoeuer they be, which the said abbots, priors, abbesses, prioresses, and other ecclesiastical gouernors & gouernesses, which hereafter shall happen to be dissolued, suppressed, relinquished, forfaited, giuen vp, & come vnto the kings highnesse, as is aforesaid, or any of them, or any of their predecessors had, or held, or haue and hold of the gift, graunt, or confirmation of our said ue-

peraigne Lord, or of any of his highnesse progenitors, or of the which monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious & ecclesiastical houses & places, our said soueraigne Lord is founder, or patron, or which manors, messes, lands, tenements, or other hereditaments, were, or be of the auncient old foundation, or possession of the said monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, shall be utterly void and of none effect.

II Prouided alway, and be it enacted by authoritie aboueslaid, that if any Abbot, prior, abbesse, or priorresse, or other gouernor & gouernesse aboueslaid, within one yeare next before the first day of this present parliament, or if any late Abbot, prior, abbesse, priorresse, or other late gouernor, or gouernesse aboueslaid, within one yere next before such dissolution, suppression, renouncing, relinquishing, forfaitting, giuing vp, or comming to the kings highnes of the premisses, or of any parcel thereof, as is aforeslaid, haue made any demise, lease, or graunt, to any person or persons, for terme of yeres, of any manors, messes, lands, tenements, parsonages appropriate, tithes, pensions, porcions, or other hereditaments aforeslaid, which person or persons at the time of the said demise, lease, or graunt, had & held the same to terme for terme of yeares then not expired:

that then the said person or persons to whom any such demise, lease, or graunt hath been made, shall have & hold the same for the term of xxj. yeres onely, from the time of the making of the said demise, lease, or graunt, if so many yeres be by the same demise, lease, or graunt, specified, limited, & expressed, or else for so many yeres as in such demise, lease, or graunt bee expressed, so that the old rent be therupon reserved, & so that the same lease or leases exceede not xxj. yeres: this act or any thing therein contained to the contrary notwithstanding. [See Plow. Com fol. 106. and after, Fulmerston and Stewardes case.]

12 Provided also, and be it enacted by the authoritie aforesaid, that if any abbot, prior, or, abbesse, priorresse, or other late governor or governesse, within one yere next before any such dissolution, suppression, denouncing, relinquishing, forfaiting, yeeldinge up, or comming into the kings highnes of the premisses, or of any parcell thereof, as is aforesaid, have made any demise, lease, or graunt, to any person or persons, for term of life, or lives, of any manors, mises, lands, tenements, parsonages appropriate, tythes, pensions, porcions, or other hereditaments aforesaid, which person or persons, or any of them, at the time of the said demise, lease, or grant, had & held the same for term of life or lives, or for term of yeres then not expired: that then the said person or persons, to whom any such lease or grant hath

may be made, shall haue & hold the same for
terme of their life or liues, so that the olde
rent be thereupon reserued: this act, or any
other thing therein contained to the contrary
thereof notwithstanding.

Prouided also, & be it enacted by the au-
thority aforesaid, that all & singular leases &
graunts made by copy to any person or per-
sons, of any of ye said mesuages, manors, tene-
ments, parsonages appropriat, tithes, pensi-
ons, porcions, or other hereditaments afore-
said, for terme of life or liues, which by the
custome of ye country had been vsed to be de-
mised, letten, or granted by copy of court rol,
made good & effectual in the law, so ye the olde
rent be reserued, by & vpon euery such leases &
graunts this act or any thing therein contained
to the contrary in any wise notwithstanding.

Prouided alwaye, & be it further enacted
by ye authority aforesaid, that all leases here-
tofore made of any the premisses, by authori-
tie of our soueraigne Lord the K. Court
of Augmentations of the reuenues of his
crowne, and all such leases, tenancies,
and wardsiles, made by the said gouernors
and gouernesses, or any of them, vnder their
comen seales, or vnder the comen or com-
mon seale of any of them, within one yeare
next before the dissolution, suppression, re-
nouncing, relinquishing, forfaiting, giuing
vp or comming to the kings highnes, of the
said monasteries, abbathies, priories, nun-
nies, colleges, hospitals, houses of friers, or
other

other religious and ecclesiasticall howses & places, which said leases, grants, feffements & woodsales, have bee examined, tryed, decreed, or affirmed, in our said soueraigne Lord the kings Court of augmentations, & the decree of ye same put in writing, that with the seal of the said court of augmentations shall be good & effectuall, according to the same decree: any clause or act heretofore in this present act, to the contrary notwithstanding.

15 Provided always, and be it also further enacted by the authoritie aboueseid, that any person or persons, haue iustly & truly without fraud or couine, paied or given any summe or summes of money to any the late governors or governesses, for the bargaine & sales, any woods, being & growing or to growe, any manors, lands, tenements, or hereditaments, which appertained or belonged to the said late monasteries, abbaies, priories, nunries, colleges, hospitals, howses of friars, or other religious or ecclesiasticall places, or vnto any of them, where bargaine & sale, by authoritie of this act, is made void & of none effect, & by meane thereof the kings highnesse may haue & take ye commoditie & profit of such woods, so bargained and sold: that then the Chauncellor, & other officers of our said soueraigne Lord the K. Court of Augmentations, or three of them, whereof the Chauncellor for the time being shall be one, of our said soueraigne Lord the

kings

kings treasure, remaynyng in the treasorie of the same Court, shall satisfie & recompence every such person & persons, such summe of money, or other recompence, as the same Chauncellor and officers, or the most of them, whereof the said Chauncellor shall be one, shall think meete & conuenient. And if any other person or persons, shall happen to take profit & commoditie, by reason of according such bond sales, by authoritie of this act, that then euery person and persons, which may or shall take such profit, shall be ordered by satisfaction to be made to the parties, that shall happen to be greeued by this act, by the said Chauncellor and other the officers of the same Court.

Ordained also, & be it further enacted by the authoritie aboueseid, that all & euery person and persons, their heires & assignes, which sithen the said 4. day of Februarie, by licence, pardon, confirmation, releas, assent, or consent of our said soueraigne Lord the king, vnder his great seale heretofore geuen, had, or made, or hereafter to be had or made, haue obtained, or purchased, by indenture, fine, feoffement, recouery, or otherwise, of the said late abbots, priors, abbesses, priorisses, or other gouernors or gouernesses of any such monasteries, abbathies, priories, nuneries, colleges, hospitals, houses of friers, or other religious & ecclesiasticall houses or places, any monast. priories, colledges, hospitals, manors, lands, tenements, medows,

pastures,

pastures, woods, churches, chappels, parsonages, tithes, pensions, porcions, or other hereditaments, shall haue & inioy the same according to such gyftings & assurances, as hereof shall before the 1. day of this present parliament, or hereafter shall be had or made.

19 Gyuing to al & euery person & persons, & bodies politicke, their heires & successors, to the heires & successors of euery of them, (other then the sayd late abbots, abbesses, priors, prioresses, & other gouernors & gouernesses, & their successors, and the successors of euery of them, and such as pretende to be founders, patrons, or donours of the sayd monasteries, abbathies, priories, nunries, colledges, hospitals, and other religious & ecclesiasticall howses or places, or of any of them, or of any manors, mesuages, lands, tenements, or other hereditaments, late belonging to the same, or to any of them, & their heires, successors, & the heires & successors of euery such founder, patron, or donour) all such right, title, interest, possession, rents, annuities, commodities, offices, fees, liberties, and lyuings, porcions, pensions, corodies, synodes, procies, & other profits, which they or any of them haue, ought, or mought haue had, in or to any of the sayd monasteries, abbathies, priories, colledges, hospitals, manors, lands, tenements, rents, seruices, reuersions, tithes, pensions, porcions, or other hereditaments, at any time before any such purchase, indentures, fines, feoffements, re-

couerie,

monaries, or other lawfull meane, betweene any such parties, had or made, as aboueland: this Act or anything therein contained to the contrarie notwithstanding.

18 And where our said soueraigne Lord the the fourth day of February, the said 27. yeere of the reigne of our said soueraigne Lord, hath obtained and purchased, as well by exchanges, as by gifts, bargaines, fines, fealtments, recoueries, deedes inrolled, & other deeds, of diuers and sundry persons, many and diuers honors, castels, manors, lands, tenements, meadowes, pastures, feedes, rents, reuersions, seruices, & other hereditaments, and hath not onely payed diuers and sundrie great summes of money for the same, but also hath giuen & granted for the same, vnto diuers and sundrie persons, diuers and sundrie manors, lands, tenements, and her editaments, and other recompences, in, and for full satisfaction of all such honors, castels, manors, lands, tenements, rents, reuersions, seruices, and other his hereditaments, by his highnesse obtayned or had, as is aboueland.

19 We it therefore enacted by the authoritie aboueland, that our said Soueraigne Lord the King, his heires and successors, shall haue, hold, possesse, and inioy, all such honors, castels, manors, lands, tenements, and other hereditaments, as his highnesse the the said 4. day of February, the 27. yere aboueland, hath obtained and had by way of

exchange,

exchange, bargain, purchase, or other lawfull meanes or meanes, according to the true meaning & intent of his highnes bargaine, exchange, or purchase, without misnaming, or non rectital, or misnaming of the said honours, castels, manours, lands, tenements, and other hereditaments, comprised, or mentioned in the bargaines or writtinges, made betweene the kings highnesse, and any other parties or parties, of the townes or counties, where the said honours, castels, manors, lands, tenements & hereditaments, lye and lain, or any other matter or cause whatsoever it be in any wise notwithstanding.

20 Saving, to all and every person and persons, and to their heires, bodies politike and corporate, and to their successors, and to every of them (other than such person and persons, and their heires, and other women, and the heires of every of them, bodies politike and corporate, and their successors, and every of them, of whom the kings highnes hath obtained, by exchange, gift, bargaine, fine, fresement recouerie, deede enrolled, or otherwise, any such honours, castels, manours, lands, tenemẽts, and other hereditaments, as is aforesaid,) all such right, title, vse, interest, possession, rents, charges, annuities, commoditities, fees, and other profites, (rents, seruices, and rents secks onely except,) which they or any of them have, might, or ought to have had, in, or to

in the premisses so obtained & had, or in, or to any parcel thereof, if this act had never been made nor made: this present act or any thing therein contained to ye contrary notwithstanding.

Also where it hath pleased the kings highnes of his most abundant grace and goodnes, alwell upon diuers & sundry considerations his royall specially moving, as also otherwise, to have bargained, sold, changed, or geuen & graunted by his greate seuerall letters patents, indentures, or other writinges, alwell under his highnes great seale, as under the seale of his highnes Duchie of Lancaster, & the seale of the office of the Augmentations of his crowne, diuers & sundrie of his loving & obeysant subiectes, diuers and sundry honours, castels, manours, monasteries, abbathies, priories, landes, tenements, rentes, reuersions, seruices, parsonages appropriated, advowsons, liberties, tythes, oblations, porcions, pensions, fraunchises, regalities, liberties, and other hereditaments, commodities, and profites, in fee simple, fee taile, for terme of life, or for terme of yeares.

21 For auoyding of which said Letters Patents and of the contents of the same, diuers, sundry, & many ambiguities, doubtes and questions, might hereafter arise, be moued, & stirred, alwell for mistrust, or nontrust, as for diuers other matters, things, & causes to be alleaged, obiected, or inuented against the said letters Patents, as also

for

for lack of finding of offices or inquisitions, whereby a title of his highness therin ought to have been found, before the making of the same letters patents, or for misrecital or nonrecitall of leases, aswell of record, as not of record, or for lacke of the certainty of the value, or by reason of misnaming of the honours, castels, manors, monasteries, abbathies, priories, lands, tenements, and other hereditaments, compised and mentioned within the same letters patents, and the townes and Counties, where the same honours, castels, manours, monasteries, abbathies, priories, lands, tenements, rents, and other hereditaments, lyen and be, as for diverse and sundry other suggestions & surmises, which hereafter might happen to be moved, surmised, & procured against the same letters patents, albeit the premisses in effect, contained in the said Letters Patents be according to the true intent & meaning of his most royall Maiestie.

23 Be it therefore enacted by the authoritie of this present Parliament, that aswell all and every the said letters Patents, Indentures, or other writtings, and every of them, under the seale or seales aboutesaid, or any of them made or graunted by the kings highnes, sithen the said fourth day of February the said xxix. yeare of his most noble raign, as all and singuler other his graces letters Patents, Indentures, or other writtings to be had, made, or granted to any

person or persons, within three yeres next after the making of this present act, of any honours, castels, manours, monasteries, abbayes, priories, nunries, colleges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, sites, circuites, precincts, lands, tenements, parsonages, tithes, pensions, porcions, annoisions, nominations, and al other hereditaments, & possessions, of what kind, nature, or quality, soever they be, or by whatsoever name or names they, or any of them be named, known, or reputed, shal stand & be good effectual, & sustainable in the law of this Realme, to all respects, purposes, confirmations, and intents, against his Maiestie his heirs and successours, without any other licence, dispensation, or toleration, of the Kinges highnesse, his heires and successours or of any other person or persons whatsoever they be, for any thing or things contayned or hereafter to be contayned in any such letters patents, indentures, or other writings: any cause, consideration, or thing materiall, to the contrarie in any wise notwithstanding.

14 Saving to all and singuler persons, bodies politique & corporate, their heires & successours, and the heires and successours of every of them, (other than his highnesse his heires and successours, and the said governours & governesses, & their successors, patrons, founders, & patrons aforenamed,

and their heires & successors & all other per-
sons claiming in their rights, or to their vse,
or in the right, or to the vse of any of them)
al such right, title, claime, interest, possession,
reuersion, remainder, offices, annuities, rent
charges, and commons, which they or any
of them, haue, ought, or mought haue had, in
or to any of the said honors, castels, manors,
monasteries, abbathies, priories, lāds, tene-
ments, & other hereditaments in the said let-
ters patents made, or hereafter to be made,
comprised at any time before the making of
the said or such letters patents: This act or
any thing therein contained to the contrary
notwithstanding.

25 And where diuers and sundry abbots,
priors, abbesses, prioresses, and other eccle-
siasticall gouernors & gouernesses, of the
said late monasteries, abbathies, priories,
nūries, colleges, hospitals, houses of friers,
and other religious & ecclesiasticall houses
& places, haue had, possessed, and enioyed di-
uers and sundry parsonages appropriate,
tithes, pensions, & porcions, and also were
acquited and discharged, of and for the pay-
ment or paymēts of tythes to be paid, out of
or for their said monasteries, abbathies, pri-
ories, nunries, colledges, hospitals, houses
of friers, and other religious & ecclesiastical
houses & places, manors, mesuages, lands,
tenements, & hereditaments,

26 Be it therfore enacted by the authority
aforesaid, that aswell the king our soue-
raigne

raigne Lord, his heires & successors as all & every such person & persons their heires & assignes, which haue, or hereafter shal haue any monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other ecclesiastical houses or places, sites, circuits, precincts of the same, or of any of them, or any manors, messuages, parsonages appropriate, tithes, pensions, porcions, or other hereditaments whatsoeuer they be, which belonged or appertained, or which now belong or appertain vnto the said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, or vnto any of them, shall haue, hold, retaine, kepe, and inioy, aswell the said parsonages appropriate, tythes, pencions, & porcions, of the said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious and ecclesiasticall houses & places, sites, circuites, precincts, manors, meases, lands, tenements, & other hereditaments, whatsoeuer they be, & every of them, according to their estate and titles, discharged and acquited of payment of tythes, as freely, and in as large and ample manner, as the said late abbots, priors, abbesses, priorresses, and other ecclesiasticall gouernors and gouernesses or any of them did, held, occupied, possessed, vsed, retained, or inioyed the same, or any parcell therof, at the dayes of their dissolucion, suppression,

renouncing, relinquishing, forfaitting, giuing vp, or comming to the kings highnesse, of such Monasteries, Abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, or at the day of the dissolution, suppression, renouncing, relinquishing, giuing vp, or comming to the Kings highnesse of any of them: This act, or any thing therein contained to the contrary notwithstanding. [Anno 32. H. 8. cap. 7.]

27 Saueing to the Kings highnesse his heires and successors, all, and all manner of rents, seruices, and other duties, whatsoeuer they be, as if this Act had neuer been had nor made.

28 And be it further enacted by authority of this present Parliament, that such of the said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious, and ecclesiastical houses and places, and all Churches and Chappels, to them, or any of them belonging, which before the dissolution, suppression, renouncing, relinquishing, forfaitting, giuing vp, or comming vnto the kings highnesse, were exempted from the visitation or visitations, and all other iurisdiction of the Ordinarie or Ordinaries, within whose Diocesse they were situate, or set, shall from henceforth be within the iurisdiction & visitation of the Ordinarie or Ordinaries, within whose Diocesse they or any of them

be situate and set, or within the iurisdiction and visitation of such person or persons, as by the Kings highnesse shalbe limitted or appointed: This Act, or any other exemption, libertie, or iurisdiction, to the contrarie notwithstanding &c. [A confirmation of the Duke of Northfolke his purchase of Stipton Monasterie, and of the Lord Cobhams purchase of Cobham Chaunterie.]

Willes.

An act how by the Kings graunt, lands, tenements, &c. may be by Will, Testament, or otherwise disposed, and concerning Wardes, and Primer seisins, 32. H. 8. cap. 1.

Willes 2.

Where the Kings most roiall Maiestie, in all the time of his most gracious and noble Raigne, hath euer bẽn merciful, louing, and benevolent, and most gracious soueraign Lord vnto all and singuler his louing & obedient Subiects, & by many times past, hath not onely shewed & imparted to them generally, by his many and often great & beneficiall pardons heretofore by authorities of his Parliaments granted, but also by diuers other wayes and meanes, many great & ample graunts and benignities, in such wise as all his said subiects, bẽn most bounden, to the vttermost of all their powers & graces by them recei-

ned of God, to render & giue vnto his Maiestie their most humble reuerence and obedient thankes & seruices, with their daily & continuall prayer to almightie God, for the continuall preseruation of his most royall estate, in most kingly honour & prosperitie: yet alwaies his Maiestie being repleat and indowed by God, with grace, goodnesse, & liberalitie, most tenderly considering that his said obedient and louing subiects, cannot vse or exercise themselues, according to their estates, degrees, faculties, & qualities, or to beare themselues, in such wise as they may conueniently keepe and maintaine their hospitalities and families, nor the good educations and bringing vp of their lawfull generations, which in this Realme land be to God, is in all parts verie great and abundant, but that in maner of necessitie, as by daily experience is manifested and knowen, they shall not be able of their proper goods, cattels, and other moueable substance, to discharge their debts, and after their degrees set forth and aduance their children and posterities.

2 Wherefore, our said soueraigne Lord most vertuously considering the mortalitie that is to euery person, at Gods will and pleasure, most common and vncertaine, of his most blessed disposition and liberalitie, being willing to relieue and helpe his said Subiects in their said necessities and debilitie, is contented and pleased, that all

ordeined, and enacted by authoritie of this present Parliament, in maner & forme as hereafter followeth: that is to say, That all and euery person & persons, hauing, or which hereafter shall haue any manours, lands, tenements, or hereditaments, holden in Socage, or of the nature of socage tenure, & not hauing any manours, lands, tenements, or hereditaments, holden of the king our soueraigne Lord by knights seruice, or by socage tenure in chiefe, or of the nature of socage tenure in chiefe, nor of any other person or persons by knights seruice, from the xx. day of July, in the yeare of our Lord God, 1539. V.C. and xi. shall haue full & free libertie, power, and authoritie, to giue, dispose, will, and deuise, aswell by his last will & Testament in writing, or otherwise, by any act or actes lawfully executed in his life, all his said manors, lands, tenements, or hereditaments, or any of them, at his free will and pleasure: any law, statute, or or other thing heretofore had, made, or vsed, to the contrarie notwithstanding.

And that all and euery person and persons, hauing manors, lands, tenements, or hereditaments, holden of the king our soueraigne Lord, his heires or successors in socage, or of the nature of socage tenure in chiefe, and hauing any other manors, lands, tenements, or hereditaments, holden of any other person or persons, in Socage, or of the nature of socage tenure, and not hauing

any manors, lands, tenements, or hereditaments, holden of the King our soueraigne Lord, by knights seruice, or of any other Lord or person by like seruice, from the xx. day of July in the said yeare of our Lord God, M.v.C.xlv. and forty, shall haue full and free libertie, power, and authoritie, to giue, will, dispose, and demise, aswell by his last will or Testament in writing, or otherwise, by any act or actes lawfully executed in his life, all his said manors, lands, tenements, and hereditaments, or any of them, at his free will and pleasure: any law, statute, customs, or other thing, heretofore had, made or vsed to the contrary not-withstanding.

4 Saueing always reserueing to the king our soueraigne Lord, his heires and successors, all his right, title, and interest of primer seisin, and reliefes, and also all other rights, and duties, for tenure in soccage, or of the nature of Socage tenure in chiefe, as heretofore hath been vsed and accustomed: the same manors, lands, tenements, or hereditaments, to be taken, had, and sued out of, and from the hands of his highnesse, his heires and successors, by the person or persons, to whom any such manors, lands, tenements, or hereditaments, shall be disposed, willed, or demised, in such and like maner and forme, as hath been vsed by any heire or heires, before the making of this estatute.

5 And

5 And saving and reserving also, fines for alienations, of such manours, lands, tenements, or hereditaments, holden of the king our soueraigne Lord, in socage or of the nature of socage tenure in chiefe, whereof there shall bee any alteration of freehold or inheritance made by will or otherwise as is aforesaid.

6 And it is further enacted by authoritie aforesaid, that all & singuler person and persons, hauing any manors, lands, tenemēts, or hereditaments, of estate of inheritance, holden of the Kings highnes in chiefe by knights seruice in chiefe from the sayd xx. day of July, shall haue full power & authoritie by his last will by writing, or otherwise by any act or acts lawfully executed in his life, to giue, dispose, will or assigne, two partes of the same manors, lands, tenements, or hereditamēts, in three parts to be deuided, or els as much of the said manors, lands, tenements or hereditaments, as shal extende or amount to the yearely value of two partes of the same in three partes to be deuided in certaintie, & by special diuisions, as it may be knowen in generaltie, to and for the aduancement of his wife, preferment of his children, and payment of his debts, or otherwise at his will and pleasure: any law, statute, custom or other thing, to the contrary thereof notwithstanding.

7 Saving & reserving to the king our soueraigne Lord, the custodie, wardship and primer

primer seisin, or any of them, as the case shal require, of as much of the same manours lands, tenements, or hereditaments, as shal amount and extend to the full & clere yerely value of the third part thereof, without any diminution, dower, fraud, couine, charge or abridgement of any of the same third part or of the full profits thereof.

8 Sauing also and reserving to the king, our soueraigne Lord, all fines for alienations, of all such manours, lands, tenements, and hereditaments, holden of the king by knights seruice in chiefe, whereof there shal be any alteration of freehold or inheritance, made by will or otherwise, as is aboueseid.

9 And be it enacted by authority aforesaid, that all & singuler person & persons hauing manors, lands, tenemēts, or hereditamēts, of estate of inheritance, holden of the king in chiefe by knights seruice, and hauing other manors, lands, tenements, or hereditamēts holden of the king, or of any other person or persons by knights seruice, or otherwise, euery such person & persons, frō ye said xx. day of July, shall haue full power & authority, to gine, dispose, will or assigne by his last will in writing, or otherwise, by any act or acts lawfully executed in his life, two partes of the same manors, lands, tenements, or hereditaments in three partes to be deuided, or eis as much of the same manors, lāds, tenements, & hereditaments as shal extend or amount to the yerely value of ij. parts of the

same

same in iij. parts to be deuided in certainty, & by speciall diuisions, as it may be knowen in seuerally, to & for the aduancement of his wife, preferment of his children, & paimēt of his debts or otherwise, at his will & pleasure: any law, statute, customs, or other thing to the contrary thereof notwithstanding.

10 Sauing alway & reserving to ye king our soueraigne Lord the custodie, wardship, and primer seisin or any of them as the case shal require, of as much of the same manors, lands, tenements, or other hereditaments, as shall amount & extend to the full & cleare yerely value of the third part thereof, without any maner diminution, dower, fraud, conine, charge, or subtraction of the same third part, or of the ful profits thereof.

11 Sauing alway & reserving to our said soueraigne Lord the king, all fines for alienations of al such manors, lands, tenemēts or hereditaments, holden of the king by knights seruice in chiefe, whereof there shal be any alteration of freehold or inheritance, made by will or otherwise, as is aboueland.

12 Be it further enacted by the authoritie aboueland, that if any person or persons hold manors, lands, tenements, or hereditaments, onely of any other Lord or person then of the king our said soueraigne Lord by knights seruice, and other lands and tenements in socage, or of the nature of socage tenure: that then euery such person shall or may giue, dispose, or assure by his last will

or

or otherwise, by any act or acts lawfully executed in his life, two partes of the said manors, lands, & tenements holden by knights seruice, or of as much thereof as shal amount to the full yearely value of two partes, in maner and fourme as is aboue declared: And also all the lands and tenements holden by socage, or of the nature of socage tenure, at his will and pleasure, as is aboue written.

13 Sauing & reserving to the Lord of the lands & tenements holden by knights seruice, for his custody, & wardship, as much of the same lands and tenements as shall extend or amount to the full and clere yearely value of the third part of the same lands & tenements holden by knights seruice, without any diminution, dower, fraud, coun, charge, or subtraction of any porcion of that third part, or of the cleare yerely value thereof, in maner & forme aforesaid.

14 And be it further enacted by the authoritie aboresaid, that if any person or persons hold any manors, lands, tenements, or hereditaments, onely of the king our soueraigne Lord by knights seruice, and not in chiefe, or hold any manours, lands, tenements or hereditaments, of our said soueraigne Lord by knights seruice, and not in chiefe, and also hold other manours, lands, tenements, and other hereditaments of any other person or persons by knights seruice, and also hold other manors, lands, tenements, or he-

redita-

reditaments, of any other person or persons in socage, or of the nature of socage tenure, that then all and every such person and persons, shall and may give, dispose, will, devise & assure, by his last will or otherwise, by any act or acts lawfully done & executed in his life, two parts of ye same manors, lands, tenements & hereditaments, holden of our said soueraigne Lord the king by knights seruice, & two parts of the manors, lands, tenements & hereditaments, holden of any other person or persons by knights seruice, or as much of either of them as shall amount to the full yerely value of two parts, in maner and forme as is aboue declared: & also all his lands and tenements so holden in socage, or of the nature of socage tenure at his free will and pleasure.

15 Sauing and reseruing to the Kings highnes, the custodie & wardship of as much of the same manors, lands, tenements, or other hereditaments, as shall extend and amount to the full & clere yerely value of the third part of the said manors, lands, tenements & hereditaments so holden of his highnes by knights seruice, without any diminution, dower, fraud, coutn, charge, & subtraction of any portion of that third part, or of the full profits thereof.

16 And also sauing and reseruing to the Lords of whom any of the said manors, lands, tenements, or other hereditaments ben holden by knights seruice, for custody & wardship,

wardship, as much of ye same manors, lands, tenemēts, or hereditaments holden of them, or any of them by knights seruice, as shall extend & amount to the full & clere yearely value of the third part of the same, without any diminution, charge, fraud, couin, or subtraction of any porcion of that third, or of ye clere yearely value of the third part thereof, in maner & forme aboue declared.

17 Prouided alway, and it is further enacted by the authoritie aforesaid, that if that third part of the manors, lands, tenements, or hereditaments, of any of the kings subiects, which in any of the cases aboueslaid, shall hereafter come to the kings highnesse, his heires or successors, by vertue of this act, as is aboueslaid, be not, or do not amount to the clere yerely value of the third part of all the laid manors, lands, tenements, or other hereditamēts, whereof the kings highnesse, is or shall be intitled to haue the custodie, or primer seisin, as is aboueslaid: that then our said soueraigne Lord, & his heires shal & may at his or their free libertie & pleasure take into his or their hands and possession, as much of the other two parts of the said manors, lands, tenements, & other hereditamēts, as with that of the same manors, lands, tenements, or hereditaments holden, remainting in the kings hāds, shall make by the clere yearely value of the full third part of the said manors, lands, and tenements to be had to the Kinges highnesse in title of

ward:

wardship & primer seisin, or any of them, as the case shall require, & like benefit & advantage to be giuen to euery Lord & Lords, of whom any such manors, lands, tenements, or hereditaments, been or shall be holden by knights seruice, as is aboueslaid, concerning only his iij. part, of, or for title of wardship.

18 Prouided alway, & be it further enacted by the authoritie aforesaid, that euery person & persons shal sue their liuries, for possessions, reuersions, or remainders, and also pay reliefes & heriots, after such maner and forme as they should or ought to haue done, before the making of this Act, and as if this act had neuer been made. And the fines for alienatiõs, shal be paied in the kings Chancerie, for & vpon writs of Entre in the Post to be obteined in the same court of Chancerie, after the said 20. day of July, for common recoueries to be had or suffered of any manors, lands, tenements, or hereditaments, holden of the King in chiefe: in like maner & forme, as is vsed vpon alienations of such manors, lands, tenements, or hereditamẽts, so holden in chiefe by fine or feoffement.

19 Prouided also, & be it enacted by the authority aforesaid, that in such cases where fines for alienations shall be paied in the kings Chancery for writs of Entre in the Post, as is aforesaid: that then none other fine shal be paied in the same Court for any such writs: any vsage or custome to the contrarie notwithstanding.

20 And

20 And be it further enacted by the authoritie aforesaid, that where two or more persons now hold, or hereafter shall hold any manors, lands, tenements, or hereditaments, of the king our soueraigne Lord by knights seruice, iointly to them, and to the heires of one of them, & he that hath the inheritance therof dieth, his heire being within age, that in euery such case, the king shall haue the ward and marriage of the bodie of such heire so being within age, the life of the freeholder or freeholders of the said manors, lands, tenements, or hereditaments so holden by knights seruice notwithstanding.

21 Sauing and reseruing to all and euerie woman and women, all and euery such right, title, and interest of dower, as they or any of them, ought to haue, or be, or shall lawfully limitted to haue, claime, or demand of any manors, lands, tenements, or hereditaments, by the Lawes of this Realme, to be taken or assigned to them, or any of them, out of the two parts of the said manors, lands, tenements, or hereditaments, seuered and deuided from the third part as is aboueseid, and not otherwise.

22 And sauing also to the King our soueraigne Lord, his heires and successors, the reuersions of all such Tenant in iointenure and dower, immediatly after the death of such tenants, if they shall happen to die during the minoritie of the kings ward.

An act

An act for the limitation of Prescription, Anno 32. H. 8. cap. 2.

Limitation 3.

FOrasmuch as the time of Limitation appointed for suing of writs of right, & other writs of possession and seisin of mens auncestors or predecessors, or of their owne possession or seisin, by the lawes & statutes of this Realme heretofore made, limitted, and appointed, viz. Merton cap. 8. Westm 1. cap. 39. Westm 2. cap. 2. & cap. 46. extend & be of so far and long time past, that it is above the remembrance of any living man, truely to trie and know the perfect certaintie of such things, as hath or shall come in triall, or do extend vnto the time & times limitted by the said lawes & statutes, to the great dangers of mens consciences, that same, or shall be impanelled in any Jury for the triall of the same. And also it is a great occasion of much trouble, vexation, & suits to the kings loving subiects, at the common Lawes of this Realme, so that no man although he and his auncestors, & those whose estate he or they haue, haue bein in peaceable possession of a long seisin, of, & in lands, tenements, & other hereditaments, is, or can be in any suertie, quietnes, or rest, of, & in the same, without a good remedy & reformation be had, made, and prouided for the same.

Be it therefore enacted by the king our soueraigne Lord, & the Lords spiritual and

temporall, and the commons in this present Parliament assembled, & by the authority of the same, that no maner of person or persons shall from henceforth sue, haue, or maintaine any writ of right, or make any prescription, title or claime, to or for any manors, lands, tenemẽts, rents, annuities, commons, pensions, porcions, corodies, or other hereditaments, of the possession of his or their auncestor or predecessour, & declare and alleage any further seisin or possession of his or their auncestor or predecessor, but only of the seison or possession of his ancestor or predecessor which hath bin, or now is, or shalbe seised of the said manors, lands, tenements, rents, annuities, commons, pensions, porcions, corodies, or other hereditamens, within 60. yeares next before the Teste of the same writ, or next before the said prescription, title, or claime, so hereafter to be sued, commenced, brought, made, or had.

3 And be it further enacted by the authoritie aboueſaid, that no maner of person nor persons shal hereafter sue, haue, or maintain any Assise of Mortdauncester, Cosinage, Ayel, writ of Entrie vpon disseisin, done to any of his auncestors or predecessors, or any other action possessary vpon a possession of any of his auncestors or predecessors, for any manors, lands, tenements, or other hereditaments, of any further seysion or possession of his or their auncestor or predecessor, but onlie of the seisin or possession of his

or

by their auncestor or predecessor which was, or hereafter shall be seased of the same manors, lands, tenements, or other hereditaments, within fiftie yeares next before the Teste of the originall of the same writ hereafter to be brought.

4 And be it further enacted by the authority aforesaid, that no person nor persons shall hereafter sue, haue, or maintein any action, for any manors, landes tenements, or other hereditaments, of or vpon his or their own seisin or possession therein, aboue xxx. yeares next before the Teste of the original of the same writ hereafter to be brought.

5 And be it also enacted by the authority aforesaid, that no person or persons shal hereafter make any auowrie or cognisance for any rent, suit, or seruice, & alleage any seisin of any rēt, suit, or seruice in the same auowry or cognisance, in the possession of his or their ancestors, or predecessor, or predecessors, or in his owne possessiō, or in ye possession of any other whole estate he shal pretend or claime to haue, aboue l. yeres next before the making of the said auowry or cognisāce.

6 And ouer that, be it enacted by the authoritie aforesaid, that all Formdons in reuersion, Formdons in remainder, & Scire facias vpon fines of any manors, lands, tenemēts, or other hereditamēts, at any time hereafter to be sued, shall be sued & taken within fiftie yeres next after ye title & cause of actiō fallen, & not vnto after the said 50. yeres passed.

7 And be it also enacted by authoritie aforesaid, that if any person or persons at any time hereafter doe sue any of the said actions or writs, for any manors, lands, tenements, or other hereditaments, or make any auowrie, cognisance, prescription, title or claime, of, or for any rent, suit, seruice, or other hereditaments, & cannot proue that he or they, or his or their auncestors, or predecessors, were in actuall possession or seisin of and in the same manors, lands, tenements, rents, suits, seruices, annuities, commons, pencions, porcions, corodies, or other hereditaments, at any time or times within the yeares before limited and appointed in this present act, & in maner & forme as is aforesaid, if the same be trauersed or denied by the partie plaintife, demãdant, or auowãt, or by the party tenant or defendant: ẏ then & after such trial therein had, al & euerie such person & persons, & their heires, shall from thenceforth be vtterly barred forever, of al & euery the said writs, actiõs, auowries, cognisances, prescription, title, and claime hereafter to be sued, had, or made, of & for the same manors, lands, tenements, or hereditamẽts, or other the premisses, or any part of the same, for or which the same actiõ, writ, auowry, cognisance, prescription, title or claime hereafter shall be at any time had, sued, or made &c. ¶ Certaine prouisions for those & their heires who haue actions &c. depending or were then vnder age, couert baron, in prison, or out of the realme.

8 Prou-

Prouided furthermore, that if any false verdit happen hereafter to be giuen or made in any of the said actions, suits, answeries, prescriptions, titles, or claimes: that then the party grieued by reason of the same, shal and may haue his attaint vpon euery such verdict giuen or made, and the plaintyfe in the same attaint vpon iudgement for him giuen, shall haue his recouerie, execution & other aduantage in like maner & forme, as heretofore hath bin vsed & accustomed: any thing before in this act contained to the contrary notwithstanding.

Executions.

An act for contentation of debts vpon executions. Anno 32. H. 8. cap. 5.

Executions 10.

Whereas before this time diuers and sundry persons haue sued executiõs, aswel vpon iudgemẽts for them giuen of their debtes or damages, as vpon such statutes Marchants, statutes of the Staple, or recognisances, as haue bin to them before made, recognised, & knowledged thereupon such lands, tenements, & other hereditaments, as were lyable to the same execution, haue bin by reasonable extent to them deliuered in execution for the satisfaction of their said debts & damages, according to the lawes of this realm. Neuerthe-

lesse, it hath been oftentimes seene, that such lands, tenemēts, & hereditaments so delivered & had in execution, haue bēn recovered, or lawfully devested, taken away or evicted from the possession of the said recoverers, obligees, or recognisees, their executors or assignes, before such time as they haue bin fully satisfied & payed of their debts & dammages, without any maner fraud, disceipt, covin, collusion, or other default in the said recoverors, obligees, or recognisees, their executors, & assignes, by reason whereof the said recoverors, obligees, & recognisees haue bēn thereby set clerely without remedy, by any maner suit of ye law, to recover or come by any such part or parcel of their said debts & dammages, as was behind, & not by them levied or received, before such time as ye said lands, tenements, & other hereditaments, so by them had in execution, were recovered, lawfully devested, taken, or evicted, out of, & from their possessions, as is aforesaid, to their great hurt & losse, & much serving to be against equall iustice & good conscience,

2 For reformation whereof, be it enacted by authority of this present parliamēt, that if hereafter any such lands, tenements, or hereditaments, as be or shal be had & delivered to any person or persons in execution as is aforesaid, upon any iust, & lawfull title, matter, cōdition, or cause, wherewithall the said lands, tenemēts, & hereditamēts were liable, tied, & bound, at such time as they were

delive-

delivered & taken into execution, shall happen to be recouered, lawfully deuested, taken, or euicted out of, & from the possessiõ of any such person & persons as now haue & hold, or hereafter shal haue & hold ye same in executiõ as is aforesaid, without any fraud, deceit, coutn, collusion, or other default of ye said tenant or tenants by execution, before such time as the said tenants by execution their executors or assignes, shal haue fully & wholy leuied or received the said whole debt & damages, for ye which the said lands, tenements, & other hereditamẽts were delivered & taken in execution, as is aforesaid: then euery such recouerer, obligee, & recognisee, shal & may haue & pursue a writ of Scire facias out of the same court, from whence the said former writ of executiõ did proceed, against such person or persons, as the said writ of execution was first pursued, their heirs, executors, or assignes, of such lands, tenemẽts, or hereditamẽts, as were or bin then lyable or charged to the said execution, retornable into the same court, at a certaine day, being full xl. dayes after the date of the same writ. ¶ At which day if the defendant being lawfully warned make default, or appeare and do not shew and plead a sufficient matter or cause, other then the acceptance of the said lands, tenements, & hereditaments, by the said former writ of execution, to bar, auoid, or discharge ye said suit for the residue of the said debt & damages, remaining vnleuied, or

vnrecouered by ye said former execution: then the Lord Chancellor, or other such Iustice or Iustices, before whom such writ of Scire facias shal be retornable, shal make estimes a new writ or writs out of the said former record of iudgement, statute marchant, statute staple, or recognisance, of like nature & effect, as the said former writ of execution was, for the leuying of the residue of al such debt & damage, as the shall appere to be vnleuied, vnsatisfied, or vnpaied of the whole summe or summes in the said former writ of execution conteined: Any lawe, custome, or other thing to the contrary hereof, heretofore vsed, in any wise notwithstanding.

Tythes.

An act for the true payment of Tythes and offrings, Anno 32.H.8.cap.7.

Tythes 8.

Where diuers & many persons inhabiting in sundrie cõtries & places of this Realme, & other the kings dominions, not regarding their duties to Almightie God, & to the king our soueraign Lord, but in few yeares past more contemptuoustie & commonly presuming to offend & infringe the good and holsome lawes of this Realme, & gracious commandments of our said soueraign Lord, the in times past hath bin sene or knowen, haue not letted to intrat

[illegible] & withdrawe the lawfull & accustomed [illegible] of corne, hay, pasturages, & other sort [illegible] & oblations cõmonlie due to ye [illegible] proprietaries & possessors of the parso[illegible], vicarages, & other ecclesiasticall pla[illegible] & within the said realme & dominions, [illegible] the more encouraged thereto, for that [illegible] of the kings subiects being lay per[illegible] having personages, vicarages, & tithes to them & to their heires, or to them & to the [illegible] of their bodies lawfully begotten or [illegible] term of life or yeres, cannot by the order & course of the ecclesiasticall lawes of this realme, sue in any ecclesiastical court for the wrongfull withholding & deteining of the said tithes or other duties, nor cannot by ye order of the common lawes of this realme, have any due remedie against any person or persõs, their heirs or assignes, that wrongfully deteineth or withholdeth the same: by occasion whereof much controuersie, suit, variance & discord is like to insurge & ensue among the kings subiects, to the great detriment, damage, & decay of many of them, if conuenient and speedy remedy therefore be not had & prouided.

1. Wherefore it is ordeined & enacted by our said souereigne Lord the king vp the assent of the Lords spiritual & temporall, and the cõmons in this present parliament assẽbled, & by authority of the same, that al & singuler persons of this his said Realme, or other his dominions, of what estate, degree, or

or condition soever he or they be, shall truely, & effectually deuide, set out, yeld, & pay all & singuler tithes & offrings aforesaid, according to the lawfull customes & vsages of the Parishes & places where such tithes or duties shall grow, arise, come, or be due. And in case that it shall happen any person or persons of his or their vngodly and peuerse will & mind, to detaine or withhold any of the said tithes or offrings, or part or parcell thereof, then the person or partie being ecclesiastical or lay persons, hauing cause to demaud or haue the said tithes or offrings, being thereby wronged or grieued, shall and may conuent the person or persons so offending before the Ordinarie, his Cõmissary, or other competẽt minister, or lawful Iudge of the place where such wrong shal be done, according to the ecclesiasticall Lawes.

3 And in euery such case of matter or suit, the same Ordinarie, Commissarie, or other competent minister, or lawfull Iudge, hauing the parties, or their lawfull procurators before him or them, shall & may by vertue of this Act proceede to the examination, hearing, and determination of euery such cause or matter ordinarily or summarily, according to the course and processe of the said ecclesiasticall Lawes, and thereupon may giue sentence accordingly.

4 And in case that any of the parties, in any cause or matter concerning that suit, do appeal from the sentence, order, & diffinitiue

judgement of the said Ordinarie, or other competent Judge, as is aforesaid: then the said Judge by vertue of this act forthwith upon such appellation made, shall adiudge to the other partie the reasonable costes of his suit, therein before expended, & shal compell the same partie appellant to satisfie and pay the same costes so adiudged by compulsive processe, & censures of the said lawes ecclesiasticall, taking suertie of the other partie to whom such costes shal be adiudged and paied, to restore the same costes to the partie appellant, if after the principall cause of that suit of Appeal shall be adiudged against the same partie, to whom the said costes shall be yelden. And so euery Ordinarie, or other competent Judge ecclesiasticall, by vertue of this Act shal adiudge costes to the other partie vpon euery appeal to be made in any suit or cause of subtraction or detention of any tithes or offrings, or in any other suit to be made for or concerning the duty of such tythes or offrings.

5 And further be it enacted by the authoritie aforesaid, that if any person or persons after such sentence diffinitiue giuen against them, obstinately and willingly refuse for to pay their tythes and duties, or such summes of money so adiudged wherein they be condemned for the same, that then two Justices of the peace of the same Shire, whereof one to be of the Quorum, shall haue authoritie by this Act, vpon information, certificate,

cate, or complaint to them made in writing by the said ecclesiasticall Iudge that gaue the same sentence, to cause the same party so refusing, to be attached, and committed to the next gaole, & there to remaine without baile or mainprise, till he or they shall haue found sufficient suerties to be bound by recognisance, or otherwise, before the same Iustices to the vse of our soueraigne Lord the King, to perfeame the laid diffinitiue sentence and iudgement.

6 Prouided alwaies, and be it enacted by the authoritie aforesaid, that no person or persons, shalbe sued, or otherwise compelled to yeeld, giue, or pay any maner of tythes, for any manors, lands, tenements, or hereditaments, which by lawes or statutes of this Realme are discharged, or not chargeable with the paiment of any such Tythes. [Vide Anno 32. H. 8. cap. 13. Monasteries 11. in fine.]

7 Prouided also, and be it enacted by authority aforesaid, that this act nor any thing therein contained, shall in any wise binde the inhabitants of the Citie of London and suburbs of the same, for to pay their tythes and offrings within the same Citie & suburbs, otherwise then they ought or should haue done before the making of this act: any thing in this act contained to the contrarie notwithstanding.

8 And be it further enacted by authoritie aforesaid, that in all cases where any person

of persons, which now haue, or which hereafter shal haue any estate of inheritance, freehold, terme, right, or interest, of, in, or to any parsonage, vicarage, porcion, pēsion, tithes, oblations, or other ecclesiastical or spiritual profit, which now be, or which hereafter shal be made temporall, or admitted to be, abide, and go to, & in temporall hands & lay vses and profits by the law or statutes of this realme, shal hereafter fortune to be disseised, deforced, wronged, or otherwise kept or put from their lawfull inheritance, estate, seisin, possession, occupations, terme, right, or interest, of, or to the same, or of, in, or to any parcell thereof, by any other person or persons, claiming, or pretending to haue interest, or title, in, or to the same, that then in all and euery such case or cases the person or persons so disseised, deforced, or wrongfully kept or put from his or their right or possession, as is afore rehearsed, their heires, sones, and such other, to whom such iniurie or wrong shall be done or committed, shall and may haue their remedie in the kings temporall courts, or other temporal courts, as the case shal require, for the recouery, getting, or obtaining of such inheritance, estate, freehold, seisin, possession, terme, right, or interest, by writs originall, of Præcipe quod reddat, Assise of Nouel disseisin, Mortdauncē, Quod ei deforciat, writs of dower, or other writs originall, as the cause shall require, to be ueised and graunted in the kings court

of

of Chauncery, of every such parsonage, vicarage, porcion, pension, or other profit called ecclesiasticall or spirituall, so to be demaunded, according to the nature and cause of the suit therof, in like maner and forme as they should, ought, or might haue had, or for lands, tenements, or other hereditaments, in such manner to be demaunded. And that writs of Conenant, and other writs for fines to be leuied, and all other assurances to be had, made, or conueied of any such parsonage, vicarage, portion, pension, or other profit called ecclesiasticall or spirituall as is aforesaid, shall be hereafter deuised & graunted in the said Chauncerie, according as hath bin vsed for fines, to be leuied, and assurance to be had, made, or conueied of lands, tenements, or other hereditaments.

9 And that all iudgements to be giuen vpon any of the said writs originall so to be deuised or graunted of or for any the premisses or any of them: and all fines to be leuied and knowledged in any of the kings said courts thereof, shall be of like force and effect in the law, to all intents and purposes, as iudgements giuen and fines leuied of lands, tenements and hereditaments in the same courts vpon writs originall therefore duely pursued & prosecuted, albeit no such forme of writs originall out of the said court of Chauncery haue heretofore proceded or bin awarded.

10 Prouided alwaies, that this last act shall

shall not extend nor be expounded, to give any remedie cause of action or suit in the courts temporal, against any person or persons, which shall refuse or deny to set out his or their tithes, or which shall detaine, withhold, or refuse, to pay his tithes, and offerings, or any parcell thereof, but that in all such cases the person or partie being ecclesiasticall or lay person, having cause to demaund or to have the said tithes, or offerings & thereby wronged or greeued, shall take & have their remedie for their said tythes and offerings, in euerie such case in the spiritual courts, according to the ordinance in the first part of this act mentioned & not otherwise. Any thing herein expressed to the contrarie thereof notwithstanding.

An act against maintenance, embracerie, &c. and against vnlawfull buying of titles, An. 32. H. 8. cap. 9.

Maintenance 7.

THe King our soueraigne Lord calling to his most blessed remembrance, that there is nothing within this Realme conserueth his loving subiects in more quietnes, rest, peace and good concord, then the due and iust ministration of his lawes, and the true & indifferent trials, of such titles and suites as bein to be tried, according to the Lawes of this Realme, which

whereby his most royall Maiestie perceiueth to be greatly hindered and letted by maintenance, embracerie, champertie, subornation of witnesses, sinister labour, buying of titles, and pretenced rights, of persons not being in possession, whereupon great perturbe hath insued, and much inquietnesse, oppression, vexation, trouble, wrongs, and disinheritance hath followed amongst his most louing subiects, to the great displeasure of almightie God, the discontentation of his maiestie, and to the great hinderance and let of Iustice within this his Realme: For the auoiding of all which mischeuous nors, & buying of titles & pretenced rights, and to the intent that Iustice may be more fully and indifferently ministred, and the trueth in causes of contention plainly tried, betweene his subiects of this Realme.

2 Be it enacted by our said soueraigne Lord, with the assent of ye Lords spiritual & temporall, & the cõmons in this present parliament assembled, & by authority of ye same, that from henceforth all statutes heretofore made concerning maintenance, champertie, & embracerie, or any of them, now standing and being in their full strength & force, shall be put in due execution, according to the nors and effects of the same statutes.

3 And over that be it further enacted, by the authoritie aforesaid, that no person nor persons, of what estate, degree, or condition soever he or they be, shall from henceforth bar-

bargaine, buy, or sell, or by any wayes or meanes obtaine, get, or haue any pretenced rights, or titles, or take, promise, grãt, or couenãt to haue any right or title, of any person or persons, in or to any manors, lands, tenements, or hereditaments, but if such person or persons, which shall so bargaine, sel, giue, grant, couenãt, or promise the same, their auncestours or they by whom he or they claime the same haue been in possession of the same, or of the reuersion or remainder thereof, or taken the rents or profits thereof, by the space of one whole yere next before the said bargaine, couenant, graunt, or promise made, vpon pain that he that shal make any such bargaine, sale, promise, couenant, or graunt, to forfait the whole value of the lands, tenements or hereditaments so bargained, sold, promised, couenanted, or graunted, contrarie to the forme of this act. And the buyer or taker thereof, knowing the same, to forfait also the value o the said lands, tenements, or hereditaments so by him bought, or taken, as is aboueſaid, Thone haile of the said forfaitures to be to the king our soueraign Lord, and the other haile to the partie that will sue for the same, in any of the kings courts of record, by action of debt, bill, plaint, or information. In which action, bill, plaint or information, no essoine, protection, wager of law, nor inuimation shall be allowed.

4 And furthermore, that no maner of per-

son or persons of what estate, degree, or condition soever he or they be, do hereafter vnlawfully maintaine, or cause or procure any vnlawfull maintenance, in any action, demaund, suit, or complaint, in any of the kings courts of the Chauncerie, the starre Chamber, white hall, or els where, within any of the kings dominions of England or Wales, or the marches of the same where any person or persons haue, or hereafter shal haue authority by vertue of the kings commission, patent, or writ, to hold plee of lands, or to examine, heare or determine, any title of lands, or any matter or witnesses concerning the title, right, or interest of any lands, tenements, or hereditaments.

5 And also that no person or persons, of what estate, degree, or condition soever he or they be, do hereafter vnlawfully retaine for maintenance of any suit or plee, any person or persons or embrace any freeholders or inrors, or suborne any witnes by letters, rewards, promises, or by any other sinister labor or means, for to maintain any matter or cause to the disturbance or hinderance of iustice or to the procurement or occasion of any maner of periury by false verdict, or otherwise, in any maner of courts aforeland, vpon pain of forfeiture for euery such offence xl. th'one moitie thereof vnto the K. our soueraigne Lord, & the other moitie to him that will sue for the same by action of debt, bill, plaint, or information, in any the K. courts,

in which action, no essoin, protection, wager of law nor imparlance shalbe allowed.

6 Provided alway, & be it enacted by the authoritie aforesaid, that it shall be lawfull to any person or persons, being in lawfull possession by taking of the yearly ferme, rents or profits of or for any manors, lands, tenements, or hereditaments, to buy, obtain, get or have, by any resonable way or means the pretensed right, or title of any other person or persons hereafter to be made to of or in such manors, lands, tenements, or hereditaments, whereof he or they shall so be in lawfull possession: any thing in this act contained to the contrary notwithstanding.

7 And for the due execution of this present act, be it further enacted by authoritie aforesaid, that the Justices of assise of every circuite within this realme & elsewhere within the kings dominions, shall in every countie within their circuits, two times in the yeare, that is to say, in the time of their sittings for the taking of assises or delivery of their gaoles, cause open proclamation to be made, aswell of this present act, and of every thing therein contained, as also of all other statutes heretofore made, against unlawfull maintenance, champertie, embracerie, or unlawfull retainors, to thentent that no maner of person or persons, bearing the same should be ignorant or miscognisant of the dangers and penaltie therein contained and specified.

8 Prouided alway, & be it enacted by the authoritie aforesaid, that this Act shall not extend to charge any person or persons with any of the penalties mencioned in the said Act, for any offence by him or them committed contrarie to the said act, except the same person or persons so offending be sued therof by action of debt, bill, plaint, or information, in any of the kings courts, within one yeare next after the same offence by him or them committed, as is aforesaid.

An act that Lessees shall inioy their fermes against Tenants in taile, or in the right of their wiues, or Churches, &c. An. 32. H. 8. cap. 28.

Leases 1.

BE it ordeined, established, & enacted by the king our soueraigne Lord, the lords spirituall & temporall, and the commons in this present parliament assembled, & by the authoritie of the same, That all Leases hereafter to be made of any manors, lands, tenemẽts, or other hereditamẽts, by writing indented, vnder seale, for terme of yeares, or for terme of life, by any person or persons being of full age of 21. yeares, hauing any estate of inheritance, either in fee simple, or in fee taile, in their owne right, or in the right of their Churches, or wiues, or iointly with their wiues, of any estate of inheritance made before the couerture, or after, shall be

good and effectuall in the Law, against the lessors, their wiues, heires & successors, and euery of them, according to such estate as is comprised & specified in euery such Indenture of lease, in like maner & forme as the same should haue beén, if the lessors thereof, & euery of them, at the time of the making of such Leases had beén lawfully seised of the same lands, tenements, and hereditaments comprised in such Indenture, of a good, perfect, and pure estate of fée simple thereof to their owne onely vses

2 Prouided alway, that this Act, nor any thing therin contained, shal not extēd to any Leases to be made, of any manors, lands, tenements, or hereditaments, being in the hands of any fermor, or fermors, by vertue of any old lease, vnlesse the same old lease be expired, surrēdred, or ended, within one yere next after the making of the said new lease, nor shall extend to any graunt to be made of any reuersion of any manors, lands, tenements, or hereditaments, nor to any lease of any manors, lands, tenements, or hereditaments, which haue not most commonly beén letten to ferme, or occupied by the fermors thereof, by the space of 20. yeares next before such lease thereof made, nor to any lease to be made, without impeachment of wast, nor to any lease to be made aboue the number of 21. yeares, or three liues at the most, from the day of making thereof.

3 And that vpon euery such Lease there

be reserued yearely during the same lease due and payable, to the lessours their heires and successours, to whom the same lands should haue comen after the deathes of the lessours, if no such lease had bein thereof made, and to whom the reuersion thereof shall appertaine, according to their estates and interesses, so much yearely ferme or rent, or more, as hath bein most accustomably yelden or paied for the manors, lands, tenements, & hereditaments, so to be letten, within xx. yeares next before such lease thereof made. And that euery such person and persons, to whom the reuersion of such manors, lands, tenemẽts, or hereditaments so to be letten, shall appertaine, as is aforesaid, after the deaths of such lessors, or their heires, shall and may haue such like remedy and aduantage, to all intents and purposes, against the lessees thereof, their executors and assignes, as the same lessour should or might haue had against the same lessees. So that if the lessor were seised of any especiall estate taile of the same hereditaments, at the time of such lease, that the issue or heire of that especiall estate, shall haue the reuersion, rents, and seruices, reserued vpon such lease, after the death of the said lessour, as the lessour himselfe might or ought to haue had, if he had liued.

4 Prouided alway, that the wife be made partie to euery such lease, which hereafter shall be made [by] her husband, of any manors,

nors, lands, tenements, or hereditaments, being the inheritance of the wife. And that every such lease be made by Indenture in the name of the husband & his wife, and she to seale to the same.

5 And that the ferme and rent be reserued to the husband and to the wife, and to the heires of the wife, according to her estate of inheritance in the same.

6 And that the husband shall not in any wise alyen, discharge, graunt, or gyue away the same rent reserued, nor any part thereof longer then during the couerture, without it be by fine leuied by the said husband and wife: But that the same rent shall remaine, discend, reuert, or come after the death of such husband, vnto such person or persons, & their heires, in such maner & sort, as the lands so leased should haue done, if no such lease had therof been made.

7 Prouided also that this act extend not to gyue any liberty or power to any person or persons to take any more fermes, leases, or takings of any manors, lands, tenemẽts, or other hereditaments, then he or they should or might lawfully haue done before the making of this act. [See the statute made 25. H. 8. cap. 13. Sheepe 2.] Nor extend to gyue any libertie or power to any parson or vicar, of any church or vicarage, for to make any lease or graunt of any their mansiages, lands, tenements, tythes, profits, or hereditaments, belonging to their churches or vicar-

Parsons, & Vicars ne sont deins cest statute.

vicarages, otherwise or in any other maner then they should or might haue done before the making of this act: any thing contained in this act to the contrary notwithstanding.

9 And furthermore be it enacted by authoritie aforesaid, that all leases at any time within the space of three yeares next before the xij. day of Aprill, and in the xxxj. yeare of our soueraign Lord the kings raigne, made by writing indēted vnder seale, by any person or persons of full age, of whole memory, not vnlawfully coarcted, nor being couert baron, for terme of yeres, of any manours, lands, tenements, or other hereditaments, whereof the lessour or lessours were seised of any estate of inheritance, of and in the same to their owne onely vse at the time of making any such lease thereof, and whereof the lessees, their executors and assignes, be now in possession by vertue of the same lease, and no cause of reentrie or forfaiture thereof had or made, shall be good and effectuall in the law, against the lessours, their heires and successours, and the heires & successours of euery of them, according to the couenants, articles, and agrēements, specified in euery such indenture of lease.

10 So alwaies there be reserued & yerely payable, during the same lease, to the said lessors, their heirs or successours, or to such other as should or ought to haue had the same manors, lānds, tenements, or hereditaments so leased, after the decease of such lessours,

tours, in case no such lease had thereof been made, as much yearely rent for the same, as was at any time therefore yelden or paied within xx. yeares next before the making of any such lease, or els such leases to be of no other force, ne effect, then they were before the making of this present act.

11 And moreouer for certaine considerations, be it enacted by authoritie aforesaid, that no fine, feoffement, or other act or acts hereafter to be made, suffered, or done, by the husband onely, of any manours, lands, tenements, or hereditaments, being the inherittance or freehold of his wife, during the couerture betweene them, shall in any wise be, or make any discontinuance therof, or be preiudiciall or hurtfull to the said wife, or to her heires, or to such as shall haue right, title, or interest to the same, by the death of such wife or wives. But that the same wife or her heires, and such other to whom such right shall appertaine, after her decease, shall & may then lawfully enter into all such manours, lands, tenements, & hereditaments, according to their rights & titles therin: any such fine, feoffement, or other act to the contrarie notwithstanding: fines leuied by the husband & wife (whereunto the said wife is party & priuie) onely except.

12 Prouided furthermore, that this clause or act, extend not to giue any libertie to any such wife, or to her heires for to auoyd any lease hereafter to be made of any the inheri-

tance

tance of the wife, by her husband and her for terme of xxj. yeares, or under, or any her inheritance for terme of three lives at the vttermost, whereupon as much yearely rent or more, is, or shal be reserved, & yerely payable during the same lease, as was at any time therefore paiden or payed within xx. yeares next before the making of any such lease, according to the tenour of this present Act: any thing therein contayned to the contrarie notwithstanding.

13 Provided also, that this Act extend not to make good any lease or leases, heretofore made, by any ecclesiasticall person or persons by their conent or common seal, which be made voide, or taken away, by authority of any act of parliament heretofore made: Nor extend to make good any lease or leases, heretofore made by any ecclesiastical person or persons, now being attainted of treason, under the conent seal, or otherwise, or by any other person or persons now being attainted of treason by act of parliament, or otherwise. But that al and singuler such lease and leases, and every of them, now made, or hereafter to be made, shalbe of such like effect & strength in the law, and none other, as they & every of them were before the making of this act: any thing before mencioned in this act to the contrary thereof notwithstanding.

An act concerning Mispleading, Ieofailes, and Attornies, Anno 32.H.8.cap.30.

Repleader 1.

FRom henceforth if any issue be tried by the oath of xij. or moe indifferent men, for the party plaintife or demandant, or for the party of the tenant or defendant, in any maner of action or suit at the common Law of this realme, in any the K. courts of record: that then the Justice & Justices by whom iudgement therof ought to be gyuen, shall proceed & give iudgement in the same: any mispleading, lack of colour, insufficient pleading, or ieofaile, any miscontinuance, or discontinuance, or misconueying of process, misioyning of the issue, lack of warrant of attourney of the partie against whom the same issue shall happen to be tried, or any other default or negligence of any of the parties, their counsailors or attornies, had or made to the contrarie notwithstanding.

2 And the said iudgements therof so to be had & gyuen, shal stand in ful strēgth & force to al intents & purposes, according to ye said verdicts, without any reuersall, or undoing of the same by writ of Error, or false iudgemēt, in like forme as though no such default or negligēce had never bin had or cōmitted.

3 Prouided alway, & be it enacted by the authority aforesaid, in auoyding of errors, & other great inconueniences that daily do fortune to rise & grow in the kings courts of Record at Westminster, through the negli-

negligence of Attournies, because they deliuer not their warrants of attorney in such actions & suits, wherein they be named attorney, according to ye lawes of this reame, that al & euery such person & persons, which shal fortune hereafter to be Attorney, to or for any other person or persons, being demandant or plaintife, tenant or defendant, in any action or suit, at any time hereafter commēced or taken in any of the K. said courts, & plead to any issue in the same action or suit:

4 That then the same Attournies, & euery of them, from time to time, shall deliuer, or cause to be deliuered, his or their sufficient & lawful warrant of attourney, to be entred of record for euery of the said actions or suits, wherein they be named Attournies, to the officer, or his deputy, ordeined for the receipt & entering therof, in the same Terme, when the said issue is entred of record in the said Court, or afore, vpon paine of forfeiture vnto our said soueraigne Lord x. pounds sterling for euery default, for non deliuering of the said warrant of attourney.

5 And also further to suffer such imprisonment, as by the discretion of the Justices of of the Court for the time being, where any such default shall fortune to be had or made, shall be thought conuenient. This present act with the prouiso, to indure til the last day of the next parliamēt. [This was continued Anno 33. H. 8. ca. 17. & Anno 37. H. 8. ca. 23. & Anno 2. E. 6. ca. 32. it was made perpetual.]

An act

An act concerning Iointenants for terme of life, or yeares, Añ 32.H.8.cap.32.

Particion 3.

FOrasmuch as in the Parliament begun at Westm̃ the xxviij. day of Aprill, there continued till the xxviij. day of June, the 31. yeare of the kings most noble and victorious raigne that now is. It was amongst other things there enacted and established, that all Iointenants, and Tenants in common, that then were, or hereafter should be of any estate or estates of inheritance in their owne rights, or in the right of their wives, of any manors, lands, tenements, or hereditaments, within this Realme of England, Wales, or Marches of the same, shall and may be coacted and compelled by verture of the said Act, to make particion betweene them of all such manors, lands, tenements, and hereditaments, as they then held, or hereafter should hold, as Iointenants, or Tenants in common, as more plainly at large appeareth by the said estatute.

2 And forasmuch as the said estatute doth not extend to Iointenants, and Tenants in common, for terme of life, or yeares, neither to Iointenants, and Tenants in common, where one, or some of them haue but a particuler estate for terme of life, or yeares, and the other haue estate or estates of inheritance, of and in any manors, lands,

tene-

tenements, and hereditaments.

3 Be it therefore enacted by the king our soueraigne Lord, & by thassent of the Lords spirituall & temporall, and the commons in this present parliament assembled, and by the authoritie of the same, That all Iointenants, & Tenants in common, and euery of them, which now hold, or hereafter shal hold iointly, or in common, for terme of life, years or yeares, or Iointenants, or Tenants in common, where one, or some of them haueth shal haue estate or estates, for terme of life, years, with the other, that haue, or shal haue estate or estates of inheritance, or freehold, in any manors, lands, tenements, or hereditamẽts, shal & may be compelled from henceforth by writ of Particion to be pursued out of the kings Court of Chauncery vpon his or their case or cases, to make seuerance and particion of all such manors, lands, tenements, and hereditaments, which they hold iointly, or in common, for terme of life or liues, yeare or yeares, where one or some of them hold iointly, or in common, for terme of life, or yeares, with other, or that haueth estate or estates of inheritance or freehold.

4 Prouided alway, and be it enacted, that no such particion nor seuerance hereafter to be made, by force of this Act, be, or shall be preiudiciall or hurtfull to any person or persons, their heires or successors, or other than such which be parties vnto the said particion, their executors or assignes.

That the dying seised of a wrongfull disseisour, is no discent in the Law, Ann 32. H. 8. cap. 33.

Entrie lawfull 2.

Where diuers persons, of their insaciable mindes, haue heretofore by strength, and without title, entered into manors, lands, tenements, and other hereditaments, and wrongfully disseised the rightfull owners and possessors thereof, and so being seised by disseisin, haue thereof died seised, by reason of which dying seised, the disseisor, or such other persons as before such discent, might haue lawfully entred into the said manors, lands, and tenements, were and be thereby clearely excluded of their entrie into the said manors, lands, and tenements, and put to their action for their remedie and recouerie therein, to their great costes and charges,

For reformation whereof, be it enacted by the authoritie of this present Parliament, that the dying seised hereafter of any such disseisor, of, or in any manors, lands, tenements, or other hereditaments, hauing no right or title therein, shall not be taken or deemed from henceforth any such discent in the Law, for to tolle or take away the entrie of any such person or persons, or their heires, which at the time of the same discent had good and lawfull title of entrie, into the said manors, lands, tenements, or hereditaments,

taments, except that such disseisour, hath had the peaceable possession of such manors, lands, tenements, or hereditaments, whereof he shall so dye seised, by the space of fiue yeres next after the disseisin therein by him committed, without entrie or continuall claime, by or of such person or persons as haue lawfull title thereunto.

5. ans puis disseisin per estat. done pur le disseisee ou son heire dentrer, ou claimer.

An act concerning grauntees of reuersions to take aduantage of the condicions to be perfourmed by the lessee, Anno 32. H. 8. cap. 34.

Condition 1.

WHere before this time, diuers aswell temporall as ecclesiastical & religious persons, haue made sundry leases, demises, & graunts to diuers other persons of sundry manors, lordships, ferms, meases, lands, tenements, meadowes, pastures or other hereditaments, for terme of life, or liues, or for terme of yeres, by writing vnder their seale or seales, concerning, alias conteyning, certeine condicions, couenants, & agreements, to be perfourmed aswell on the part & behalfe of the said lessees and grauntees, their executors and assignes, as on the behalfe of the said lessors, & graunters, their heires & successors.

2 And for asmuch as by the common law of this Realme, no stranger, to any couenant,

ment, action, or condition, shall take any aduantage, or benefite of the same, by any meanes or waies in the law, but onely such as be parties or priuies thereunto, by the reason whereof, aswell all graunteés of reuersions, as also all graunteés & patenteés of the king our soueraigne Lord, of sundry manors, lordships, graunges, ferines, meases, lands, tenements, meadowes, pastures, or other hereditaments, late belonging to Monasteries, and other religious & ecclesiastical houses, dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or by other meanes come to the hands & possession of the kings Maiestie, since the fourth day of Februarie, the xxviij. yeare of his most noble raigne, be excluded to haue any entrie or action against the said lessees and graunteés, their executors or assignes, which the lessors before the time, mought by the law haue had against the same lessees, for the breach of any condition, couenant, or agreement, comprised in the indentures of their said leases, demises, and graunts.

3 Be it further enacted by the king our soueraigne Lord, the Lords spirituall and temporall, and the commons in this present parliament assembled, & by authority of the same, that aswel all and euery person & persons, and bodyes politique their heires, successors, and assignes, which haue, or shall haue, any gift or graunt of our said soueraigne Lord, by his letters patents, of any

lordships, manors, lands, tenements, rents, parsonages, tythes, porcions, or any other hereditaments, or of any reuersion or reuersions of the same, which did belong and appertaine to any of the said Monasteries, and other religious & ecclesiastical houses, dissolued, suppressed, relinquished, forfaited, or by any other meanes come to the kings hands, since the said iiij. day of Februarii, in the xxviij. yere of his most noble raigne, or which at any time heretofore did belong or appertaine to any other person or persons, and after came to the hands of our said soueraigne Lord, as also all other persons being grauntees or assignees, to or by our said soueraigne Lord the king, or to or by any other person or persons then the kings highnes, & the heires, executors, successors and assignes of euery of them, shall and may haue and enioy like aduantage against the lessees, their executors, administrators, and assignes, by entrie for non payment of the rent, or for doing of wast, or other forfaiture

4 And also shall and may haue & enioy all and euery such like, & the same aduantage, benefite, and remedies, by action onely for not perfourming other conditions, couenants, or agreements, contained, & expressed in the indentures of their said leases, demises, or graunts, against all & euery the said lessees and fermors, & grauntees, their executors, administrators, and assignes, as the said lessours or grauntours themselues or

their

their heires or successors, ought, should, or might haue had and enioyed, at any time or times, in like maner and forme; as if the reuersion of such lands, tenements, or hereditaments, had not come to the hands of our said soueraigne Lord, or as our said soueraigne Lord, his heires & successors, should or might haue had & enioyed, in certaine cases, by vertue of the act made at the first session of this present parliament, if no such graunt by letters patents had bin made by his highnesse. [See Anno 31. H. 8. cap. 13.]

¶ Moreouer be it enacted by authoritie aforesaid, that all farmers, lessers, & graunters of lordships, manors, lands, tenements, rents, parsonages, tythes, porcions, or any other hereditaments, for terme of yeres, life, or liues, their executors, administratours, & assignes, shall & may haue like action, aduantage, & remedy, against all & euery person & persons, & bodies politik, their heires, successors, and assignes, which haue or shall haue any gift or graunt of the king our soueraigne Lord, or of any other person or persons, of the reuersion of the same manors, lands, tenements, and other hereditaments so letten, or any parcell thereof, for any condicion, couenant, or agreement, contained, or expressed in the indentures of their lease and leases, as the same lessers or any of them, might, or should haue had against the said lessors and graunters, their heires or successors: al benefites and aduauntages of

recoueries in value, by reason of any warrantie in deed, or law, by voucher, or otherwise onely excepted.

6 Prouided alwaies that this act nor any thing or thirgs therein conteyned, shall extend to hinder or charge any person or persons, for the breach of any couenant or cõdition, comprised in any such writing as is aforesaid, but for such couenants & condicions as shall be broken, or not performed, after the first day of September next comming, and not before: any thing before in this act conteyned to the contrary thereof notwithstanding.

An act for the exposition of the Statute of Fines, Anno 32.H.8.cap.36.

Fines 9.

FOr asmuch as in the foweerth peare of the raigne of the late king of famous memory king Henry the viij. father of our most dread soueraigne Lord the king that now is, [videlicet. 4.H.7. cap.24.] it was among many good & sundry statutes and ordinances then made for the common wealth, enacted, ordeined, and established, the forme and maner how fines should be leuied with proclamations, in the kings court, before his Justices of his common place, and that such fines with proclamations, so had & made, to the intent to void all strifes & debates, should be a finall end, and

conclude aswell priuies as strangers to the same, certain persons excepted & saued, as in the same estatute more plainly appeareth.

2 Sithen which time by diuersitie of interpretation & expounding of the same estatute, it hath been and yet is by some maner of persons doubted and called in question, whether Fines with proclamations, leuied or to be leuied before the said Justices, by any person or persons, hauing, or clayming to haue, in any manors, lands, tenements, or hereditamēts, comprised in the same fine, in possession, reuersion, remainder, or in vse, any maner of estate taile, should immediatly after the said fine leuied, ingrossed, & proclamation made, binde the right heire & heires of such tenant in taile, & euery other person and pesons, seised, or clayming to their vse or vses, [See P. 19. H. 8. case 5.] by occasion wherof diuers debates, controuersies, suits & troubles haue bin begun, moued, and had within this realme, & mo be like to ensue if remedie for the same be not prouided. For the establishment & reformation wherof, and for the sure & sincere interpretation of ye said estatute, in auoiding all dangers, cōtentiōs, controuersies, ambiguities, & doubts that hereafter may ensurge, grow, and happen:

3 Our soueraign Lord the king, with the assent of the Lords spirituall & temporall, and the commons in this present parliamēt assembled, & by authoritie of the same, hath enacted and ordeined, that all and singuler

fines to be leuied, before the said Iust. with proclamations, according to ye said estatute, by any person or persons, of full age of xxj. yeares, of any manors, lands, tenements, or hereditaments, before the time of the same fine leuied, in any wise entailed to the person or persons so leuying the same fine, or to any the ancestor or auncestors of ye same person or persons, in possession, reuersion, remainder, or in vse, shall be immediatly after the same fine leuied, engrossed, & proclamations made, adiudged, accepted, deemed, and taken, to all intents and purposes, a sufficient barre & discharge for euer, against the said person & persons, and their heires, clayming the same lands, tenements, and hereditaments, or any parcell therof, onely by force of any such taile, and against all other persons, claiming the same, or any parcell therof, only to their vse, or to the vse of any maner of heire of the bodies of them: any ambiguity, doubt, or contrariosity of opinion, risen or growen vpon the said estatute, to the contrarie notwithstanding.

3 Prouided alway, that this act, nor any thing therein conteined, shal extend to barre or exclude, the lawfull entre, title, or interest of any heire or heirs, person or persons, heretofore giuen, or hereafter to be giuen, growen or accrued to them, or any of them, in or to any manors, lands, tenements, or hereditaments, by reason of any fine or fines heretofore leuied, or hereafter to be leuied by

any

any woman, after the death of her husband, contrarie to ye forme, intent, and effect of the estatute made in the xj. yeare of the said late King H.7. ca. 20. of any manors, lands, tenements, & hereditaments, of the inheritance or purchase of the said husbād, or of any his ancestors, given or assigned to any such woman in dower, for terme of life, or in taile, in vse or in possession, but that the same act made in the said xj. yere of the said late king H.7. shall stand, remain, & be in ful strength & vertue, in euery article, sentence, & clause therein conteined, in like maner & forme, as though this present act had neuer been had ne made.

¶ Prouided also, that this act ne any thing therein conteined, doe extende to any fine or fines, at any time heretofore leuied, or hereafter to be leuied, of any lordships, manors, lands, tenements, or other hereditaments, whatsoeuer they be, the possessioners and owners whereof, by reason of any expresse words contained in any speciall act or acts of parliament, made, or ordeyned, sithen the said iiij. yeare of the raigne of the said late king Henry the vij. stande, be bounden, or restrained frō making any alienations, discontinuances, or other alterations, of any of the same lordships, manors, lands, tenements, or hereditaments, conteined in the said fine or fines, but that all & euerie such fine & fines, at any time heretofore leuied or hereafter to bee leuied, by any such person,

or persons, or their heires, of any such lordships, manors, lands, tenements, or other hereditaments, shal be of such like force and strength in the law, and of none other effect, then the same fine leuied, or to be leuied, should haue bée, if this present act had neuer bée had nor made: any thing herein conteined to the contrarie thereof in any wise notwithstanding.

6 Prouided also that this Act, nor any thing therein conteyned, shall extend to any fine, or fines, heretofore leuied of any manors, lands, tenements, or hereditaments, now in suit, demaunde, or variance, in any of the kings Courts, or whereof any charters, euidences, or muniments concerning the same, be now in demaund in the kings high court of Chancery, nor to any fine or fines heretofore leuied, of any manors, lands, tenements, or hereditaments, which before the first day of this present parliament haue bée recouered, gotten, or obtained, by reason of any iudgement, entrie, decrée, arbitrement, or other lawfull meanes, contrarie to the purport, intent, or effect of any such fine or fines thereof heretofore leuied, nor to any fine or fines heretofore leuied, or hereafter to be leuied by any person or persons, of any manors, lands, tenemẽts, or hereditaments, before the time of the leuying of the same fine, giuen, graunted, or assigned to the said person or persons, to leuying the same fine, or to any of his or their auncestors in the

taile,

taile, by vertue of any letters patents of our said soueraigne Lord, or any of his progenitors, or by vertue of any act or actes of parliament, the reuersion whereof at the time of the same fine or fines so leuied, being in our said soueraigne Lord, his heires or successors: But that euery such fine and fines shall be of like force, strength, and effect, as they were or should haue been, if this Act had neuer been had nor made.

An act for recouerie of arrerages of Rents by Executors of Tenant in fee simple.
Aõ 32. H. 8. cap. 37.

Rents 2.

FOrasmuch, as by the order of the common Law, the executors or administrators of Tenants in fee simple, tenãts in fee taile, and tenants for terme of liues, of rents seruices, rent charges, rent seckes, & fee fermes, haue no remedie to recouer such arrerages of the said rents, or fee fermes, as were due vnto their testators in their liues, nor yet the heires of such testator, nor any person hauing the reuersion of his estate, after his decease may distraine, or haue any lawfull action to leuie any such arrerages of rents, or of fee fermes, due vnto him in his life, as is aforesaid: by reason wherof the tenants of the demeane of such lands, tenements, or hereditaments, out of the which such rents were due & payable, who of right

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ought to pay their rents & fermes, at such day and termes as they were due, do many times keepe, hold, & retaine, such arrerages in their owne hands, so that the executors, & administrators of the persons to whom such rents or fee fermes were due cannot haue or come by the said arrerages of the same towards [the] payment of the debts, & performance of the will of the said testators. [M. 19. H. 6. cap. 83. fol. 41. Dette 37. and Executors 98. An 4. E. 3. Itin Notting.]

2 For remedie whereof be it enacted by authoritie of this present parliament, that the executors and administrators of euery such person or persons, vnto whom any such rent, or fee ferme, is, or shal be due, & not paied at the time of his death, shal and may haue an action of debt, for all such arrerages against the tenant or tenants, that ought to haue paied the said rent, or fee fermes, so being behind, in the life of their testator, or against the executors & administrators of the said tenants.

3 And also furthermore, it shal be lawfull to euery such executor & administrator, of any such person or persons, vnto whom such rent or fee ferme is, or shal be due, & not paid at the time of his death as is aforesaid, to distraine for the arrerages of all such rents and fee fermes, vpon the lands, tenements, and other hereditaments, which were charged with the payment of such rents, or fee fermes, and chargeable to the distresse of the

said

said testator, so long as the said lands, tenements, & hereditamēts, continue, remaine, & be in the seisin & possession of the said tenant in demeane, who ought immediately to haue paied the said rent, or fee ferme, so being behind to the said testator in his life, or in the seisin or possessiō of any other person or persons claiming the said lands, tenements, & hereditaments, onely by and from the same tenant, by purchase, gift, or discent, in like maner and forme as their said testatour ought or ought to haue done in his life time: and the said executors & administrators, shall for the same distresse, lawfully make answere vpon the matter aforesaid.

4 Prouided alway, that this Act, nor any thing therein conteyned, shall not extend to any such manour, lordship, or dominion in Wales, or in the Marches of the same, whereof the inhabitants haue vsed time out of the mind of man, to pay vnto euery Lord or owner of such lordship, manour, or dominion, at his or their first entrie into the same any summe or summes of money, for the redemption and discharge of all duties, forfaitures, and penalties, wherewith the said inhabitants were chargeable, to any of their said Lords auncestors or predecessors before his said entrie.

5 And further be it enacted by the authoritie aforesaid, that if any man, which now hath, or hereafter shall haue in the right of his wife, any estate in fee simple, fee taile, or

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for terme of life, of, or in any rents, or fee fermes, & the same rents, or fee fermes now be, or hereafter shalbe due behind & vnpaid in the said wiues life, then the said husband, after the death of his said wife, his executors or administrators, shall haue an action of debt for the said arrerages against the tenant of the demeane that ought to haue paid the same, his executors or administrators. And also the said husband, after the death of his said wife may distraine for the said arrerages, in like maner and forme, as he might haue done, if his said wife had been then liuing, and make auowrie vpon his matter as is aforesaid.

6 And likewise it is further enacted by the authoritie aforesaid, that if any person or persons which now hath, or hereafter shall haue any rents, or fee fermes, for terme of life, or liues, of any other person or persons, and the said rent, or fee ferme, now be, or hereafter shall be due, and behind and vnpaied in the life of such person or persons, for whose life, or liues, the estate of the said rent, or fee ferme, did depend or continue, & after the said person or persons doth die: Then he vnto whom the said rent or fee ferme was due in forme aforesaid, his executors and administrators, shall and may haue an action of Debt against the tenant in demesne that ought to haue paied the same, when it first was due, his executors & administrators, and also distraine for the same

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arrerages, vpon such lands, and tenements, out of the which the said rents or fee fermes were issuing & payable, in such like maner and forme, as he ought or might haue done if such person or persons, by whose death the aforesaid estate in the said rents and fee fermes was determined & expired, had been in full life, and not dead. And the answere for the taking of the same distresse to be made in maner and forme aforesaid.

An act for the explanation of the Statute of Wils, An̄ 34. H. 8. cap. 5.

Wils 3.

WHere in the last Parliament begun & holden at Westmunster the xxviij. day of Apryll, in the 31. yeare of the kings most gracious raigne [cap. primo Wils 2.] and there by diuers prorogations holden and continued vnto the xxiiij. day of July, in the 32. yeare of his said raigne, It was by the Kings most gratious and liberall disposition, shewed toward his most humble & obedient Subiects, ordeined and enacted, how, and in what manner, lands, tenements, & hereditaments might by Will or Testament, in writing, or otherwise, by any act or actes lawfully executed in the life of every person, giuen, disposed, willed, or deuised, for the aduancement of the wife, preferment of children, payment of debts,

of

of euery such person, or otherwise, at his will or pleasure, as in the same act more plainly is declared. Sithen the making of which estatute, diuers doubts, questions, & ambiguities haue risen, bein moued & growen, by diuersitie of opinions taking, in & vpon the exposition of the letter of the same estatute.

2 For a plaine declaration & explanation whereof, and to the intent and purpose, that the kings obedient & loiuing subiects, shall and may take the commoditie & aduantage of the kings said gracious and liberall disposition, the Lords spirituall & temporall, and the commons in this present Parliament assembled, most humbly beseechen the Kings maiestie, that the meaning of the letter of the same estatute, concerning such matters hereafter rehearsed, may be by the authoritie of this present parliament enacted, taken, expounded, iudged, declared, and explaned, in maner and forme following.

3 First, where it is conteined in the same former statute, with diuers articles and branches of the same, that all and singular person and persons, hauing any manors, lands, tenements, or hereditaments, of the estate of inheritance, should haue full & free libertie, power, and authoritie, to giue, will, dispose, or assigne, aswell by last will and testament, in writing, or otherwise, by any act or actes lawfully executed in his life, his manours, lands, tenements, or hereditaments, or any of them, in such maner

and

and forme, as in the same former Act more at large it doth appeare, which words of estate of inheritance, by the authoritie of this present Parliament, is and shall be declared, expounded, taken, & iudged of estates in fée simple only.

4 And also that all and singuler person & persons, hauing a sole estate or interest in fée simple, or seised in fée simple, in coparcenarie, or in common in fée simple, of, and in any manors, lands, tenements, rents, or other hereditaments, in possession, reuersion, or remainder, or of rents or seruices incident to any reuersion or remainder, and hauing no manours, lands, tenements, or hereditaments, holden of the king, his heires or successors, or of any other person or persons, by knights seruice, shall haue full and fréé libertie, power, and authoritie to giue, dispose, will, or deuise, to any person or persons (except bodies politike and corporat) by his last will and testament in writing, or otherwise, by any act or actes, lawfully executed in his life, by himselfe solely, or by himselfe, & other iointly, seuerally, or particularly, or by all those waies or any of them, asmuch as in him of right is or shall be, all his said manors, lands, tenements, rents, and hereditaments, or any of them, or any rẽts, cõmons, or other profits, or commodities, out of, or to be perceiued of the same, or out of any parcell thereof, at his owne free will and pleasure: any clause in

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the said former act notwithstanding.

¶ And further be it declared and enacted by the authoritie aforesaid, that all and singuler person & persons, hauing a sole estate or interest in fee simple, or seised in fee simple in copercenary, or in commõ in fee simple, or in any manors, lands, tenements, rents, or other hereditaments, in possession, reuersion, or remainder, or of and in any rents or seruices incident to any reuersiõ or remainder, holden of the king by knights seruice in chiefe, or of the nature of knights seruice in chiefe, hath and by the authority of this present parliament shal haue full and free libertie, power and authoritie, to giue, dispose, will, or assigne to any person or persons (except bodies politique or corporate) by his last will & testamẽt in writing, or otherwise by any act or acts, lawfullie executed in his life, by himselfe solie, or by himselfe & other ioyntly, generally, or particularlie, or by all those waies or any of thẽ, asmuch as in him of right is or shall be, two parts as well of all the said manors, lands, tenements, rents and hereditaments, as of all and singuler his other rents, and hereditaments, or of any of them, or any rents, commons, or other profits or commodities, out of, or to be perceiued of the same two parts, or out of any parcell thereof, in three parts to be deuided, or as much thereof, as shall amount to the full & cleere yerely value of two parts thereof, in three parts to be deuided of what per-

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son or persons so euer they be holden, at his fee will and pleasure. And that by the authoritie aforesaid, the said will so declared shall be good & effectuall for two parts of the said manors, lands, tenements, & hereditaments, although the will so declared be made of the whole, or of more then of two parts of the same. The same diuision to be made and set forth, by the deuisor or owner of the same manors, lands, tenements, and hereditaments, by his last will in writing or otherwise in writing.

6 And in default thereof, by a commission to be graunted out of the kings court of the wards & liueries, vpon the inquirie of the true value thereof, by the othes of xij. men, and retourne or certificat thereof had in the same court, of the said manors, lands, tenements, and hereditaments, diuision to be made by the Master of the wards & liueries, if the Master of the wards & liueries for the time being, & the parties thereunto cannot otherwise agree vpon the same diuision. And that the issues and profits of the two parts of the same manors, lands, tenements, and hereditaments vpon euery such diuision, to be restored to them that shall haue right, or title to the same, from the death of the owner or deuisor thereof.

7 And further be it enacted and declared by the authoritie aforesaid, that all and singuler person and persons, hauing a sole estate or interest in fee simple, or seised in fee

simple, in coparcenatie, or in common, in fee simple, of and in any manors, lands, tenements, rents, or other hereditaments, in possession, reuersion, or remainder, or of and in any rents or seruices, incident to any reuersion or remainder, holden of the king, his heires or successors by knights seruice, and not in chiefe, or holden of any other person or persons by knights seruice, shall haue ful & free liberty, power, & authority, to giue, dispose, will or deuise, to any person or persons, except bodies politike & corporate, by his last will & testamēt in writing, or otherwise, by any act or acts lawfully executed in his life, by himselfe solely, or by himselfe, & other, iointly, seuerally, or particularly, or by all those wayes, or any of them, as much as in him of right is or shall be, two parts of all the said manors, lands, tenements, & hereditamēts, or any of them so holden by knights seruice, or any rents, common, or other profits or cōmodities, out of, or to be perceiued of the same two parts, or out of any parcell thereof, in 3. parts to be deuided, or as much thereof, as shal amount to the ful & clere yerly value of 2. parts thereof, in 3. parts to be deuided, at his free will & pleasure.

8 And that the said will so declared, by authority aforesaid, shall be good & effectual, for 2. parts of the said manors, lands, tenements, or hereditaments, although the will so declared be or shall be made of the whole lands, & tenements, so holden by knights seruice,

lite, or of more thē of 2. parts of the same.

9 And also for the whole of all other such manors, lands, tenements, & hereditamēts, or any of them, not holden of the King by knights seruice in chiefe, or otherwise by knights seruice, nor of any other person by knights seruice, & of any rents, commons, or other profits or commodities, out of, or to be perceiued of the same, or out of any parcell thereof at his free will & pleasure.

10 The same diuision to be made and set forth, by ye owner of the said manors, lāds, tenements, & hereditaments, by his last will & testament in writing, or otherwise in writing. And in default thereof, for asmuch of the same manors, lands, tenements, & hereditaments, as shal concerne the kings interest, by commission, to be directed out of the kings court of the wardes and liueries, in maner and forme as is aforesaid, if the master of the wardes and liueries for the time being, & the parties thereunto cannot otherwise agree vpon the same diuision.

11 And that restitution of the issues and profits of the two parts thereof, shalbe had & made, in maner & forme aboueseid.

12 And for such of the same manours, lands, tenenients, and hereditaments, as shal concerne the interest of any other Lord or Lords, by commission to be graunted out of the kings court of Chancery, to enquire thereof, by the oths of twelue men, if the same Lord or Lords, and the parties there-

unto cannot otherwise agree vpon the same diuision.

13 And be it further enacted & declared by authoritie aforesaid, that the sauings, reseruings, and prouisions, concerning sauing of the custody, wardship, relieke, & primer seisin to the king, of such manors, lands, tenements, & hereditaments, or as much thereof as shall appertaine vnto him, by vertue of the said former Act, & by the declaration and exposition thereof, declared by this present Act, during the kings interest therein:

14 And also for the custodie and wardship to other Lords, of as much of such manors, lands, tenements, & hereditaments, holden of them, as shall amount and extend to the cleere yearely value of the third part thereof ouer and aboue all charges, without any diminution or abridgement of the third part, or of the full profits thereof, comprised and mentioned in diuers articles in the said former Act contained, by the authoritie aforesaid, be, & shall be intended, expounded, & taken, as hereafter insueth: that is to say, that the king shal haue and take for his full third part, of all such manors, lands, tenements, and hereditaments, whereunto he is, or shal be intituled by the said former act, & by this present act, such manors, lands, & tenemẽts, as shall by any meanes discend, or come by discent, as well of estate of inheritance in fee taile, as in fee simple, or in fee taile onely to the heire of any such person, that shall

make

make any will, gift, disposition, or deuise, by his last wil in writing, or by any act or acts lawfully executed in his life, immediatelie after the death of the same deuisour or owner thereof.

15 And that the will, gift, and deuise of euerie such deuisour or owner, of and for the two parts of the said manours, lands, tenements, and hereditaments residue, shall by the authoritie aforesaid, be and stand good and effectual in the law, albeit the same wil, gift, or deuise be had and made of all his fee simple lands, tenements, & hereditaments, or of the more part thereof.

16 And in case the same manours, lands, tenements, and hereditaments, which after the death of any such owner or deuisour, which shall make any such gift, disposition or deuise, by his last will in writing, or otherwise by any act or acts lawfullie executed in his life, to his wife, children, or otherwise as is aforesaid, which shal immediately after his death, discend, reuert, remaine, or come to his heire or heires, aswell of estate of inheritaunce in fee taile, as of estate in fee simple, or fee taile onely, be not or shall not amount or extend to the full cleare yearely value of the full third part, with the ful profits thereof, of all the said manors, lands, tenements, or other hereditaments of the said deuisor or owner, according to the true intent and meaning of the said former act, and of this present act: that then the King shall

and may haue & take into his hands & possession, to make vp his full third part, with the full profits thereof, according to his interest therein, as much of the other manors, lands, tenements, or hereditaments, willed, giuen, disposed, or assigned by any such person, to his wife, children, or otherwise, as is aforesaid, as with such of the same manors, lands, tenements, and hereditaments, discended, or by any meanes come vnto the heire, as heire of any such deuisor or owner, shall make vp the clere yearely value of the said full third part, with the full profits thereof, of all the said manors, lands, tenements, and hereditaments, of euery such owner or deuisor, so to be had to the king, in title of wardship, or primer seisin, as the case shall require. And the diuision thereof to be had and made, and with the restitution of the profits of the two parts of the said manors, lands, tenements, and hereditaments, in such maner and forme as is aboue rehearsed.

17 And like benefit and aduantage to be giuen, had, & taken, by the said authoritie, to euery Lord and Lords of whom any such manors, lands, tenements, or hereditaments, bin or shal be holden by knights seruice, in maner & forme as is aforesaid, concerning only his or their third parts thereof, according to their said interest therein.

18 And be it further enacted, by the authoritie aforesaid, that if it happen the same

third

third part, or any parcel thereof, left, willed, or assigned, to the king, or other lord, at any time during their interest therein, to be lawfully euicted, or determined, that then the king, & the other Lord, shall haue as much of the two parts residue, as shal accomplish and make vp a full third part, in clere yeerly value, after the rate and portion of such manors, lands, tenements, and hereditaments, as shall then happen to remaine of the same third part, not euicted nor determined, & of the other two parts of such manors, lands, tenements, and hereditaments, as the King or other Lord should or ought to haue had, by vertue of the said former act, & this present act: and the same to be diuided, in maner & forme aboue rehearsed: any clause in ye said former act notwithstanding.

19 And be it &c. That the sauing and reseruing for fines for alienation, by any such last will & Testament, of such manors, lands, tenements, or hereditaments, holden of the king by knights seruice in chiefe, or by the nature of knights seruice in chiefe, or by socage in chiefe, or of the nature of socage tenure in chiefe, or for fines for alienation, of such manors, lands, tenements, or hereditaments, whereof there shall be any alteration of freehold, or of inheritance, made by any such last will, compriled in diuers and sundry articles, mentioned in the said former Act, be and shall be intended, expounded, taken, deemed, and iudged, by the

authoritie aforesaid, that all such person or persons, to whom the said manors, lands, tenements, or hereditamēts, or any of them, be or shall be giuen, disposed, willed, or deuised, by any such last wil, shall be exonerated, acquited and discharged for euer, against the king his heires, and successours, for all such fines for alienations, by any such last Will or testament, without licence, by suing forth of the kings pardon for alienation out of the kings court of Chancery, paying to the king his heires or successors, for the fine of euerie such alienation, the third part of the yearely value of the same manours, lands, tenements, or other hereditamēts, to him or them willed or deuised, and this act from time to time shall be a sufficient warrant, to the Lord Chauncellour of England, or keeper of the great seale for the time being, for the graunting out of the said pardon or pardons, vnder the kings great seale, as heretofore hath bin vsed for pardōs for alienations, without any further suit to be made to the king for the same.

20 And it is further declared & enacted, by the authority aforesaid, that willes or testaments, made of any manours, lands, tenements, or other hereditaments, by any woman couert, or person within the age of xiiij yeares, idiot, or by any person de non sane memorie, shall not be taken to be good or effectuall in the law.

21 And be it further enacted by the au-

thoritie aforesaid, that if any person or persons having estate of inheritance, of or in manors, lands tenements, or hereditamēts holden of the King by Knights seruice in chiefe, or otherwise of the king by knights seruice, or of any other person or persons by knights seruice, hath giuen at any time sithen the xx. day of the said moneth of Julie, [32. H. 8. Añ dñi 1540.] or hereafter shall giue, will, deuise, or assigne, by will, or other act executed in his life, his manors, lands, tenements, or hereditaments, or any of thē by fraude or couine, to any other person or persons, for terme of yeares, life, or liues, with one remainder ouer in fee, or with diuers remainders ouer for terme of yeares, life, or in taile, with a remainder ouer in fee simple to any person or persons, or to his or their right heires, or at any time sithen the said xx. day of July, hath conueied or made, or hereafter shall conuey or make by fraude or couine contrary to the true intent of this act, any estates, conditions, mesnalties, tenures, or conueiances, to the intent to defraude or disceaue the king of his prerogatiue, primer seison, liuerie, relieke, wardship, mariages, or rights: or any other Lord of their wardshippes, reliefes, heriots, or other profites which should or ought to accrue, grow, or come vnto them or any of them, by or after the death of his or their tenant; by force & according to the former estatute, and of this present act & declaration:

22 And the same estates & other conueiances, being found by office to be so made or contriued by couin, fraude, or disceipt, as is aboueſaid, contrarie to the true intent and meaning of the said former act, and of this act: That then the king shall haue as well the wardship of the bodie and custodie of the lands, tenements, and hereditaments, as liuerie, primer seisin, relieſe, and other profits, which should or ought to appertaine to the king, according to the true intent and meaning of the said former act, & of this present act, as though no such estates or cõueiances by couin, had neuer bin had or made, vntill the said office be lawfully vndone by trauerse or otherwise.

23 And that the other Lord & Lords, of whom any such manors, lands, tenements, or hereditamẽts, shalbe holden by Knights seruice, as is aforesaid, shall haue their remedie in such cases, for his or their wardships of bodies & lands, by writ of right of warde, & shall distraine, & make auowrie or cognisance, by themselues or their bailifes, for their reliefes, heriots, and other profits, which should haue bene to them due, by or after the death of their tenant, as if no such estate or conueiance had bin had or made.

24 Hauing & reseruing alwaies by the authority aforesaid, the right & title of the donees, feoffees, lessees, & deuisees thereof, against the said deuisor & his heires, after the interest and title of the king or other Lord

therein

therein ended & determined.

25 Provided alwaies that this act, explanation, & declaration, or any of them, or any thing in this said act, explanation, or declaration conteined, shall not extende to the will or devise of Sir John Gaynsford, late of Crowherst in the Countie of Surrey Knight deceased: nor to the will or devise of Sir Peter Filpot Knight deceased: nor to the will or devise of Richard Cresswell late of Wattingley in the countie of South. gentleman deceased, nor to the will or devise of Thomas Anton late of the countie of Berk. gent. deceased, sonne of sir Thomas Anton knight also disceased: or shalbe in any wise preiudiciall or hurtfull to any person or persons, for or concerning any manors, lands, tenements, or hereditaments, contained or especified in the said wils or devises, or in any of them, but that the said last wils and devises, and euerie of them, shall stand abide, remaine, and be, in the same case, force and effect in the law, to all intents, purposes, and constructions, as the said last wils and devises, and euerie of them, were before the making of this act, declaration and explanation, & of none other effect or force: this act declaration, and explanation, or any of them, or any thing therin conteined to the contrarie thereof in any wise not withstanding.

26 Provided alway and be it enacted by the authoritie aforesaid, that all and euerie

person

person and persons from whom the king or other Lord or Lords, shall take any manors, lands, tenements, or hereditaments, for his or their full third part, or to make by his or their third part, shall and may by authoritie of this present act, in any of the cases aforesaid, vpon his or their bill exhibited in the kings court of Chancerie, against all and euery such person & persons, which shal be intitled by or vnder any such will, gift, disposition, or deuise, to the other two parts, haue such contribution or recompence for the same, as by the Chauncellor of England, or by the Keeper of the great Seale of England, for the time being, shal be thought good and conuenient. [See the Statute 34. H. 8. cap. 20. of Recoueries]

An act to embarre feyned Recoueries of lands wherein the Kings Maiestie is in reuersion, Aũ 34. H. 8. cap. 20.

Recoueries 4.

Where diuers of the kings most noble progenitors, and specially the king our soueraigne Lord most liberally aboue all other, hath giuen and graunted, or otherwise prouided to his and their louing and good seruants and subiects, aswell nobles as other, manors, meases, lands, tenements, rents, seruices, and hereditaments to them, and to their heires males of their bodies, or to the heires of their bodies law-

fully

fully begotten, minding at the time of such gifts, not onely to prefer and aduance presently the donees, but also their heires in blood of their bodies, according to the limitation of the said gifts: to the intent the recompence for the seruice of such donees, should not onely be a benefit for their owne persons, but a continual profit & commodity to & for their heires cõming of their bodies, whereby such heires should haue in speciall memorie and daily remembrance, the profit that they haue & take by the seruice of their ancestors done to the kings of this realme, and thereby be the better incouraged to doe like seruice to their soueraigne Lord, as to their duties of allegeance appertayneth. And forasmuch as sundrie such doneés in taile, and their heires haue suffered, & daily suffer by their consents, vntrue & feyned recoueries to be had against them, with common voucher, or otherwise, of manors, meases, lands, tenements, or hereditaments so giuen, graunted, or prouided in taile by the kings Maiestie, or his noble progenitors, as is aforesaid, to the intent by fraud, couin, & vndue meanes, not onely to bind & defeat their heires inheritable by the limitation of such gifts, but also the king of his prerogatiue, wardship, primer seisin, and other his rights: whereby questions & diuersities of opinion haue risen, and yet be, whether such tenants in taile, by their owne consent, of lands, tenements, or hereditamẽts, whereof

the

the reuersion or remainder is in the king, at the time of such recouery or recoueries had, should after the death of the tenant in taile, bind the heires in taile or not.

2 For the plain declaration whereof, and to auoide & extinct from henceforth diuersities of opinions in such cases. Be it ordeyned & enacted by authoritie of this present parliament, that no such fayned recouerie hereafter to be had, by assent of parties, against any such tenant or tenants in taile of any lands, tenements or hereditaments, whereof the reuersion or remainder at the time of such recouerie had, shall be in the k. shall bind or conclude the heires in the taile, whether any condition [alias common] voucher be had in any such feyned recouerie or not, but that after the death of euery such tenant in taile against whom any such recouery shall be had, the heires in taile may enter, haue & enioy the lands, tenements, & hereditamēts so recouered, according to the form of the gift of intaile: the said recouery or any other thing or things hereafter to be had, done, or suffred, by or against any such tenant in taile to the contrary notwithstanding.

3 And be it also further enacted by thauthority aforesaid, that the heires of euery such tenant in taile, against whom any such feined recouerie shall be had, shall take none aduantage for any recompence in value against the voucher or his heires.

4 Prouided alway that this act or any thing

thing therein conteined, be not in any wise prendiciall or hurtful to the lessee or lessees of any such tenãt in taile, made or to be made by writing indented, of any manors, lands, tenements or hereditaments; for terme of xxj. yeres, three liues, or vnder, whereupon the accustomable rent & rents or more, is or shall be reserued yearely during the same terme and termes: but the same lessee & lessees, shall and may haue & enioy his or their terme & termes therein against the heire & heires of euerie such tenant in taile, accordinge to the tenor, purport, and effect of the statute made in the xxxij. yeare of the raigne of our soueraign Lord king Henry the viij. any thing in this act conteined to the contrarie thereof notwithstanding. [See Anno 32.H.8.ca.28.Leases.2.]

An act that fines in townes corporate, shall be made as the same in time heretofore haue bin. An.34. H.8. cap. 22.

Inrolments 2.

Where in the Parliament holden in the xxviij. yeare of our most dread soueraigne Lord king Henry the eight [See the statute ment 32. H.8.ca.28. but all the printes be 27. H.8. Ideo quere.] It was enacted by authority of the said parliament amongst other, that no fine, feofment or other act or acts hereafter to be made,

made, suffered, or done by the husband onely, of manors, lands, tenements, or hereditaments, being the inheritance, or the freehold of his wife, during the couerture betweene them: shall in any wise be or make any discontinuance thereof, or be preiudiciall or hurtfull to the said wife, or to her heires, or to such as shall haue right, title, or interest by the same, by the death of such wife, or wiues: but the same wife & her heires, and such other to whom such right shall appertaine, after her decease, shall and may then lawfully enter into all such manors, lands, tenements, and hereditaments, according to their rights & titles therein, any such fine, feoffement, or other act to the contrary notwithstanding. Sithence ye making of which act, diuers doubts, questiõs, & ambiguities haue risen, that is to say, whether the recoueries and deeds inrolled, which bee in nature of fines, and whereupon women couert haue bin vsed to be examined, taken, had, or knowledged, aswel within the citie of London, as in many other cities, boroughs, and townes within the Realme of England, should bind all such women couert, that should happẽ to be examined vpon the same recoueries & deedes inrolled. In auoiding therefore all such ambiguities & doubts:

2 Be it enacted by the king our soueraigne Lord, the Lords spirituall & temporall, and the commons in this present parliament assembled, & by authoritie of the same, that all

recou-

recoueries, deeds enrolled, & releases here-
tofore knowledged & taken, or at any time
hereafter to be taken & knowledged before
the Maiors, aldermen, recorders, chamber-
laines, or other head officer or officers, as
well of the citie of London, as of any other
citie borough or towne corporat within the
realme of England, hauing power and au-
thoritie to take and receiue the same, accor-
ding to the laudable vsages & customes of
the said cities, boroughs & townes, & euery
of them, shall be, stand, and remaine of like
force, strength, & effect, to all intents & pur-
poses, as they or any of them were before
the making of the said act in the said xxxti.
yere of our said soueraigne Lord: any thing
in the same conteined to the contrary in any
wise notwithstanding.

An act against vsurie, Anno 37.
H.8.cap.9.

Vsurie 2.

Where before this time, diuers and
sundry acts, statutes, and lawes
haue bin ordeined, had & made with-
in this realme, for the auoiding & punishmẽt
of Vsurie, being a thing vnlawfull, and of
other corrupt bargaines, shifts, & cheuisses,
which acts, statutes, and lawes, bin so ob-
scure & darke in intents, words, & termes,
and vpon the same so many doubtes, ambi-

guities, and questions haue risen & growen, and the same actes, statutes, & lawes bein of so little force or effect, that by reason thereof little or no punishment hath insued to the offendors of the same, but rather hath incouraged them to vse the same.

2 For reformation whereof, be it enacted by the king our soueraign Lord, by thassent of the Lords spirituall & temporall, and the commons in this present parliament assembled, & by the authoritie of the same, that all & euery the said actes, statutes, and lawes heretofore made, of, for, or concerning Vsurie, shiftes, corrupt bargaines, and cheuisances, and euery of them, & all peines, forfaitures & penalties concerning the same, and euery part thereof, shal from henceforth be vtterly void and of none effect, to all intents, constructions, and purposes.

5 And be it further enacted by the authoritie aforesaid, that no person nor persons, of what estate, degree, or condition soeuer he or they be, from & after the last day of January next comming, shall by him selfe, factor, attorney, seruant or deputie, sell his marchandises or wares to any persō or persons, & within 3. months next after, by himselfe, factor, attorney, deputie, or by any other person or persons to his vse & behoufe, buy the same marchādises or wares, or any part or parcell thereof, vpon a lesser price, knowing them to be the same wares or marchandizes, that he before did so bargaine and sell,

vpon

vpon the paines & forfaitures hereafter limited in this estatute.

4 And be it also enacted by the same authoritie, that no person nor persons of what estate, degree, qualitie, or condicion soeuer he or they be, at any time after the said last day of Januarie next comming, by way or meane of any corrupt bargaine, loane, exchange, cheuisance, shift, interest, of any wares, marchandizes, or other thing or things whatsoeuer, or by any other corrupt or deceiptful way or mean, or by any couin, ingin, or disceiptfull way or conueyaunce, shall haue, receiue, accept or take in lucre or gaines, for the forbearing or giuing day of paiment of one whole yeare, of and for his or their money or other thing, that shall be due for the same wares, marchandizes or other thing or things, aboue the summe of x. li. in the hundred & so after that rate & not aboue, of & for a more & lesse summe, or for a longer or shorter time, & no more or greater gaine or summe thereupon to be had, vpon the pains & forfaitures hereafter in this act mentioned & conteined.

5 And be it further enacted by authoritie aforesaid, that if any person or persons, at any time after the said last day of January, do bargaine & sell, or lay to morgage by any way or mean, any manors, landes, tenemēts, or hereditaments, to any person or persons vpon condition of paiment or nonpayment of any summe or summes of money, to be had,

paied, or made, at any day certein, or before any such day, by him that shall so bargaine, sell or lay to morgage, the same manours, lands, tenements, or hereditaments, that the same person or persons, to whom any such manors, lands, tenements, or hereditaments, shall be so bargained, sold, or layed to morgage, shal not by reason thereof, haue or take in lucre or gaines of the issues, rennues and profits of the same manors, lands, tenements or hereditaments, aboue the sum of x.li. in the hundred for one whole yeare, & so after the rate abouesaid, for a more or a lesser summe or for a longer or shorter time, & no more nor otherwise, vpon the paines, forfaitures & penalties hereafter in this present estatute limited & expressed.

6 And be it further enacted by the authoritie aforesaid, that if any person or persons of what estate degree, qualitie, or condition soeuer he or they be, at any time after the said last day of Januarie next cõming, shall do any act or acts, thing or things contrarie to the tenour, forme, and effect of this estatute, or any clause, article, or sentence conteined in the same: that then all & euerie offender & offenders therein, or in any part thereof, shall forfait & lose for euery such offence, the treble value of the wares, marchandizes, & other thing or things, so bargained, sold, exchanged, or shifted, & the treble value of the issues & profits of the said manours, lands, tenemẽts and hereditamẽts, so had, taken,

taken, or receiued, by reason of any such bargaine, sale, or mortgage, & also shall haue and suffer imprisonment of his bodie, and make fine and raunsome at the kings will & pleasure. The moitie of which forfaiture of the said treble value shall be to the king, & the other moitie to him or them that will sue for the same in any of the kings courts by action of debt, bill, plaint, or information, in which action, bill, plaint, or information, no wager of law, essoine, or protection shall be admitted or allowed.

7 Prouided alway, & be it enacted by the authoritie aforesaid, that this act nor any thing therein conteyned, shall not in any wise extend to any lawfull obligation, indorced with a condicion, nor to any statute or recognisance made and to be made, for the payment of a lesser summe, so that the same obligation, statute, or recognisance, be made for a true, iust, and perfit debt, or for the perfourmance of any other true couenants, made, or to be made, vpon a iust and true intent had betweene the parties, other then in cases of vsurie, interest, corrupt bargaines, shift, or chemisance: Ne yet shall extend to any recouerie, fine, feoffemēt, release, confirmation, or graunt, made or to be made vpon condition with a true intent: other then to such recouerie, fines, feoffements, releases, confirmations, and graunts, as shall be made vpon condition, extending to vsurie, interest, corrupt bargaines, shiftes,

or chevisance: any thing this estatute conteined, or any law, statute, or ordinance heretofore had vsed, or made, to the contrarie notwithstanding.

8 [This Act was repealed by a statute made Anno 5. E. 6. ca. 20. and thereby was prohibited & punished the lending, gyuing, letting out, deliuering, or forbearing any summe &c. for any maner vsurie, increase, incre, gaine, or interest, to be had, receiued, or hoped for &c. which statute is also repealed, and this reuiued Anno 13. Eliz. cap. 8. which followeth hereafter.

An act for Tenures holden in Capite, Añ 1. Ed. 6. cap. 4.

Tenures 5.

WHere before this time, ambiguities, questions, and doubts haue been moued and stirred in diuers and sundry the kings courts of record, whether such honors, castels, manors, lands, tenements, and other hereditaments are holden of the king in Capite, which any his loiuing subiects do held by knights seruice, socage, or other seruices of the king, as of his Duchies, Earledomes, Baronies, honors, castels, manors, lands, tenements, fees, and seigniories, which haue come to the hands and possession of diuers of his highnesse most noble pregenitors, by attainder of treason,

treason, misprision of treason, attainders of Præmunire and prouision, had and done by act of parliament, by verdict, confession, conuiction, or vtlagarie, and offices, or no offices thereupon found, or by the dissolution, surrender, or giuing vp to the king or to any his noble progenitors, of any religious or ecclesiasticall houses or places, or of any manors, lands, tenements and other hereditaments, to any of the same religious or ecclesiastical houses or places, in any wise appertepning or belonging or no. By meanes of which doubt so moued, his said humble & obedient subiects & tenants haue been heretofore much vnquieted, molested, & greeued: Wherefore the king our soueraigne Lord, mynding & entirely desiring the quietnes of his said subiects, and that the certaintie of his lawes in that behalfe myght be knowen and declared to his said louing subiects:

4 For a plaine declaration and resolution to be had, of, for, and concerning the premisses, at the humble peticion and suit of the Lords and commons in this present parliament assembled, doth ordeine, declare, and enact, by the assent of the Lords spiritualll and temporall, and of the Commons in this present parliament assembled, and by the authoritie of the same, that all such honours, castels, manours, lands, tenements, and other hereditaments, and euery of them, which now be, or at any time

hereafter shall be holden of the king, or of any of his heires or successours, by any of his said subiects by knights seruice, socage, or otherwise, as of any of his or their Dukedomes, Earledomes, Baronies, Castels, manors, lands, tenements, fees, or seygnories, which be come to the king, or his most noble progenitors, or hereafter shal come to the king, his heires or successors, by means of any such attaynder, conuiction, vtlagarie, or of any such dissolution, surrender, or gyuing vp of any religious or ecclesiasticall houses or places, or of any manors, lands, tenements, or hereditaments, to any of the said religious or ecclesiastical houses or places, in any wise belonging or appertayning, shall not from henceforth be adiudged, deemed, taken, or construed, to any intent, construction, or purpose, to be holden in Capite, or as tenure in Capite: any ambiguitie, question, or doubt heretofore moued to the contrary notwithstanding. [See a like matter Magna charta cap. 31.]

2 Prouided alwayes, and be it enacted by the authoritie aforesaid, that this act or any thing therein contayned, shall not in any wise be preiudiciall ne hurtfull to the king, his heirs or successors, to, for, or concerning any wardship, liuery, primer seisin, fine for alienation, or to or for any other profit or aduantage, which now is come, or hereafter shall or may come, fall, or grow to the king, his heirs or successors, by or from any person or per-

or persons, which now doth, or hereafter shall hold any honors, seigniories, castels, manors, lands, tenements, or other hereditaments, of the king in chiefe, as of his person, or of any other his ancient possessions, & being not come to the king by any such attainder, confession, conuiction, vtlagarie, dissolution, giuing vp, or surrender, as be aboueſaid.

4 Prouided alwaies, and be it enacted by the authority aforesaid, that this present act, or any thing therein contained, or specified, shall not in any wise, or by any meanes giue any aduantage, libertie, or profit, to any tenant, or owner, in fee simple, of any honors, manors, lands, tenements, or other hereditaments, which haue hertofore sued any speciall or generall Liuerie, and Ouster le maine, out of the hands of the king, or of any his noble progenitors, of any honors, manors, lands, tenements, or other hereditaments, by what tenure or seruice they were, or be holden: or that haue, or shall confesse, by any matter of record, any tenure in chiefe, of the king, but that they, their heires & assignes, shall haue and hold the same manors, lands, tenements, and other hereditaments, in like maner & forme, as they did before the making of this present Act, and as though this present Act had neuer bin had ne made: any thing aboue declared & enacted to the contrarie notwithstanding.

An

An act for the continuance of actions after the death of any king. Añ 1. Ed. 6. ca. 7.

Discontinuance of proces 2.

FRom henceforth by the death, or demise of the kings maiestie that now is, (whose life almighty God long preserue, keepe, and maintaine in his most royall estate) nor by the death or demise of any that hereafter shall be king of this Realme, any action, suit, bill, or plaint, now or that hereafter shall depend betwœne partie and partie, in any of the courts aforesaid, [s. the kings Courts, & other courts of records,] shall not in any wise be discontinued, or put without day.

2 But that processe, pleas, demurres, and continuances in euery action, actions, suits, bils, or plaints, which now, or that hereafter shall depend, shall stand good & effectual, & be prosecuted & sued forth in such maner & forme, & in the same estate, condition, and order, as if the same king had lyued, or continued in full life: the death or demise hereafter of any king of this Realme notwithstanding.

3 And that all and all maner of iudiciall proces that hereafter shall be had, or pursued in the time of the raigne of any other king, then raigned at the time of the pursuit of the originall, or other former processe, shall be made in the name of the king,

that

that for the time shall raigne, and be king of this Realme, and that variance touching the same proces betweene the names of the kings, shall not be in any wise materiall, as concerning any default to be alleadged, or objected therefore.

4 And also be it further established and enacted by the authoritie aforesaid, that all and euery Assise of nouel disseisin, Assise of Mortdauncester, Iuris vtrum, and Attaint, which at any time hereafter shall be arraigned, commenced, or sued before any of the kings Justices of Assise, shall not from henceforth be discontinued or put without day, by reason of death, new commission, association, or not comming of the same Justices of assise, or any of them, but shal stand good & effectuall in the law, to all intents, constructions, and purposes: the death, new commission, association, or not comming of the same Justices, or any of them, in any wise notwithstanding.

5 And euer that, be it ordeined and enacted by the authority aforesaid, that albeit any demaundant or plaintise in any maner of action, bill, or suite, shall fortune to be made, or created, Duke, Archbishop, Marques, Earle, Viscount, Baron, Bishop, Knight, Justice of the one bench, or of the other, or Sergeant at law, depending the same action, bill, or suit, yet that notwithstanding, that no writ, action, or suit shall for such cause in any wise be abatable

or

or abated, but shall remaine in like force, goodnesse, and strength, as the same was before: any law or vsage to the contrarie in any wise notwithstanding.

6 And also be it ordeined and enacted by the authoritie aforesaid, that albeit any person or persons being Justice of Assise, Justice of Gaole deliuerie, or Justice of peace within any of the kings Dominions, or being in any other the kings Commissions whatsoeuer, shal fortune to be made, or created Duke, Archbishop, Marques, Earle, Viscont, Baron, Bishop, Knight, Justice of thone bench, or of the other, or Sergeant at Law, or Shirife, yet that notwithstanding, he and they shall remaine Justice and Commissioner, and haue full power & authoritie to execute the same, in like maner and forme as he or they might, or ought to haue done before the same.

7 And be it ordeined and enacted by the authoritie aforesaid, that in all cases, where any person or persons heretofore haue been, or hereafter shal be found guiltie, of any maner of treason, murder, manslaughter, rape, or other felonie whatsoeuer, for the which iudgement of death should or may insue, and shal be reprieued to prison without iudgement at the time gyuen against him, her, or them so found guiltie, that those persons that at any time hereafter shall by the kings Letters patents be assigned Justices to deliuer the gaole, where any such person or persons

sons found guiltie shall remaine, shall haue full power and authoritie to geue iudgement of death against such person so found guiltie & reprieed, as the same Iustices (before whom such person or persons was, or were found guiltie) might haue done, if their commission of Gaole deliuerie had remayned and continued in full force and strength. And ouer that, that no maner of processe, or suit made, sued, or had before any Iustices of Assise, Gaole deliuerie, Oier and terminer, Iustice of peace, or other of the Kings Commissioners, shall, ne in any wise be discontinued by the making and publishing of any new Commission or association, or by altering of the names of the Iustices of Assise, Gaole deliuerie, Oier and terminer, Iustices of peace, or other the kings Commissioners, but that the new Iustices of assise, Gaole deliuerie, and of the Peace, and other Commissioners may proceed in euery behalfe, as if the olde Commissions, and Iustices, and Commissioners had still remained and continued not altered.

An act

An act whereby certaine Chaunteries, Colledges, Free chappels, and the possessions of the same, be giuen to the kings Maiestie, Anno 1. Ed. 6. cap. 14. Wherein is recited an Act made 37. H. 8. cap. 4. made for seising into his Maiesties hands, all Colledges, Free chappels, Chauntries &c.

Monasteries 13.

THe Kings most louing Subiects, the Lords spirituall and temporall, & the Commons in this present parliament assembled, considering that a great part of superstition & errours in Christian Religion, hath been brought into the mindes and estimation of men, by reason of the ignorance of their verie true & perfit saluation, through the death of Iesus Christ, and by deuising and phantasying vaine opinions of Purgatorie, and Masses satisfactorie, to be done for them, which be departed. The which doctrine & vaine opinion, by nothing more is maintayned and vpholden then by the abuse of Trentals, Chauntries, & other prouisions made for the continuance of the said blindnesse and ignorance.

1 And further considering and vnderstanding that the alteration, change, & amendement of the same, and conuerting to good and godlie vses, as in erecting Grammer Scholes, to the education of youth in ver-

tue

tue and godlinesse, the further augmenting of the Vniuersities, and better prouision for the poore and needie, cannot in this present Parliament be prouided, and conuenientlye done, nor cannot, ne ought to any other manner person be committed, then to the Kings highnesse, whose Maiestie, with, and by the aduise of his highnesse most prudent Counsaile, can, and will most wiselye, and beneficially, both for the honour of God, and the weale of his Maiesties Realme, order, alter, conuert, and dispose the same. And calling further to their remembrance, that in the Parliament holden at Westminster the xxxviij. yeare of the raigne of our late soueraigne Lord king Henry the eight, father to our most dread & naturall Soueraigne Lord the king that now is, [cap. 4.]

3 It was ordeyned, enacted, and established amongst other things, that all and singuler Colledges, Free chappels, Chauntries, Hospitals, Fraternities, Brotherheads, Guildes, & other promotions, mencioned in the said former Act, had or made to haue continuance in perpetuitie for euer, and then being, or that had, or ought to be contributorie or chargeable to the payment of the first Fruites and Tenthes, according to the Lawes and Statutes in that behalfe had, and made, by what name, surname, degree, or corporation, they or any of them were founded, ordeyned, established, created, named, called, or knowen, and all

and

and singuler the mansions, houses, manors, orchards, gardens, lands, tenements, pastures, woodes, waters, rents, reuersions, seruices, commons, tythes, pencions, porcions, churches, chappels, aduowsons, nominations, patronages, annuities, rights, interestes, entries, conditions, leases, courts, liberties, priuiledges, franchises, and other hereditaments whatsoeuer then appertayning, or belonging, or that did appertaine, or belong, or were assignes, or appointed to any such colledge, free chappell, chauntrie, hospitall, fraternitie, brotherhead, guild, stipendarie Priest, or other the said promotions, or to any of them, or accepted, knowen, or taken as part, parcel, or member of them, or of any of them: and to the said colledges, chauntries, free chappels, hospitals, fraternities, brotherhed, guild, stipendary priests, or other promotions, or to any of them united, or annexed, which betweene the fourth day of February, in the xxbij. yere of the said late kings raigne, and the xxb. day of December, in the xxxbij. yeare of his graces raigne, by reason of any entrie, expulsion, bargaine, sale, or feoffement, fine, recoueris, lease, or other conueiance therof made, were dissolued, determined, or relinquished by any of the wayes, meanes, or conueiances, mencioned in the said Act, or otherwise, other then such of them, as then were in the possession of the said late king, or that were granted or assured by his licence, agreement,

consent,

that or letters patents to any person or persons, or then had bein lawfully obtayned, or recouered by any person, by any former right, or title, without fraude or coyen, or by the kings licence: shall from henceforth by authoritie of the same former act, be adiudged and deemed, and also be in the derie actuall and reall possession & seisyn of the said late king, and of his heires and successors for euer, in as large and ample maner, as the said priesters, wardens, masters, ministers, gouernors, rulers, or other incumbents, or any of them, or the patrons, beneuers, or founders of any of them, at any time sithence the said xij. day of Februarie, in the xxvij. yere aforesaid, had, occupied, or enioyed, or then had occupied, or enioyed the same, and as though all and singuler the said colledges, chauntries, hospitals, free chappels, fraternities, brotherheds, guilds, and other the said promotions, and the said manors, landes, tenements, hereditaments, and other the premisses, whatsoeuerthey be, and euery of them, had bein in the said former act, specially, particularly, and certainly rehersed, named, and expressed, by expresse kindes, names, surnames, corporations, titles, and faculties, and in their naturall kindes, & qualities: the said entries, expulsions, bargaines, sales, fines, feoffements, trouerie, or other assurance, & conueiance whatsoeuer they were, had, or made, (except bein in the former act excepted) to the

contraria notwithstanding.

4 And, where also it was enacted and graunted by the said late king, by the said former act, that the same late king during his naturall life, might make and direct his commissions commissions under his great seale, to enter into all and singuler such and as many chauntries, free chappels, hospitals, colledges, and other the promotions, mencioned in the said former act, and into all and singuler such manours, mansions, houses, meases, lands, tenements, pastures, woods, waters, rents, reuersions, seruices, possessions, and other hereditaments whatsoeuer, or into any part or parcell thereof, in the name, seisin, and possession of all the hereditaments, annexed, vnited, belonging or appertayning to any Chauntrie, hospitall, free chappell, colledge, fraternitie, brotherhed, guilde, or other the said promotions, or whereof any priestes, prouostes, gouernours, rulers, or other incumbents, of them, or any of them, by what name, surname, degree, title, or corporation they, and euery of them, or any of them were founded, erected, or deputed, established, named, called, or knowen, then had, or enioyed, or that hereafter should haue, or enioy, to the said chauntries, hospitals, free chappels, colledges, fraternities, brotherheds, guildes, or other the said promotions, that then were chargeable to the payment of the first fruits and tenthes,

and

and all colledges that were chargeable, or not chargeable to the said payment of the first fruits & tenths, as is aforesaid, or to any of them, as should be named, expressed, & appointed in the said commission, or commissions, & to seise & take the same chauntries, hospitals, colledges, free chappels, fraternities, brotherheds, guildes, & other the said promotions, manours, lands, tenements, & other the premisses, mencioned in the said commission, or commissions, and in euery of them, and euery part, parcell, and member of the same, unto the kings possession and hands, to haue and to hold the same to the said late king, and to his heires and successours for euer, as by the said former act amongst other thinges more at large appeareth.

¶ It is now ordeyned and enacted by the king our soueraigne Lord, with the assent of the Lords and Commons in this present Parliament assembled, and by the authoritie of the same, that all manner of Colledges, free Chappels, and Chauntries, having being, or in Esse, within fiue yeares next before the first day of this present parliament, which were not in actuall and reall possession of the said late king, nor in the actuall and reall possession of the king our Soueraigne Lord that now is, nor excepted in the said former act, in fourme aboueſaid, other then such as by the kings commissions, in fourme here-

after mencioned shal be altered, transposed, or changed, and all manours, lands, tenements, rents, tythes, pensions, porcions, and other hereditaments, and things aboue mencioned, belonging to them, or any of them, and also all manours, lands, tenements, rents, and other hereditaments, and things aboue mencioned, by any maner of assurance, conueyance, will, deuise, or otherwise, had, made, suffred, knowledged, or declared, gyuen, assigned, limitted, or appointed to the finding of any priest, to haue continuance for euer, & wherewith, or whereby any priest was sustayned, maintayned, or found within fiue yeres next before the first day of this present parliament, which were not in the actuall & real possession of the late king, nor in the actuall and reall possession of our soueraigne Lord the king that now is, and also all annuall rents, profits, & emoluments, at any time within 5. yeres next before the beginning of this present parliament, employed, paied, or bestowed, toward, or for the maintenance, supportation, or finding of any stipendary priest, intending by any act or writing to haue continuance for euer, shall by the authority of this present parliamẽt, immediatly after the feast of Easter next comming, be adiudged & deemed, & also be in the very actuall & reall possession and seisin of the king our soueraigne Lord & his heirs & successors for euer, without any office or other inquisition thereof to be

he had or found, and in as large & ample manner and fourme as the priests, wardens, masters, ministers, gouernours, rulers, or other incumbents of them, or any of them, at any time within fiue yeres next before the beginning of this present parliament, had, occupied, or inioyed, or now hath, occupieth or enioyeth the same, and as though all and singuler the said Colledges, frē Chappels chaunteries, stipends, salaries of priestes, & the said manors, lands, tenements, hereditaments, & other the premisses whatsoeuer they be, and euery of them, were in this present act specially particularly, and certainly rehearsed, named and expressed by expresse words, names, surnames, corporations, titles and faculties, & in their natures, kinds and qualities.

6 And ouer that be it ordained & enacted, by the authoritie of this present parliament that where any manors, lands, tenements, tithes, pensions, portions, rents, profits, or other hereditaments, by any maner of assurance, conueiance, will, deuise, or otherwise at any time heretofore had, made, suffered, knowledged or declared, were giuen, assigned or appointed, to, or for the maintenance sustentation, or finding of one priest, or of diuers priests for terme of certain yeres yet continuing, & that any priest hath bin maintained, sustained or found with the same or with the reuenues or profits thereof, within fiue yeares last past, that the king, from

the said feast of Easter next comming shall haue & enioy in euery behalfe, for and during all such time to come, euery such and like things, tenements, hereditaments, profits, & emoluments, as the priest or priests ought, or should haue had for or toward, his, or their maintenaunce, sustenance, or finding, and for no longer, or further time, nor for any other profit, aduantage or commoditie, thereof to be taken.

7 Prouided alway, & it is ordeyned & enacted by the authoritie of this present Parliament, that whens assoone as the time assigned for the maintenance, sustentation, or finding of the priest or priests, shall be expired and runne, that then it shall be lawfull to euerie person or persons, to whom any manors, lands, tenements, tithes, portions, & pensions, rents, and other hereditaments, or any of them should haue belonged, or appertained, if the said former act, & this act had neuer bin had or made, to enter into, take, perceiue, haue and enioy the same without any maner of liuery, Ouster le main, petition, or other suit to be made to the king, in like maner, forme and condition to all intents, constructions and purposes, as though the said former act, and this act had neuer been had, or made, and as though the king had neuer had any seasion, or possession thereof: any thing in the said former act, or in this act, to the contrary in any wise notwithstanding.

8 And be it ordeined and enacted by the authoritie of this present Parliament that the king our soueraigne Lord, his heires, and successours, from the said feast of Easter next comming, shal haue, hold, perceiue, and enioy for euer, all lands, tenements, rents, and other hereditaments, which by any maner of assurance, conueiance, willes, will, deuise or otherwise at any time heretofore had, made suffred, knowledged, or declared, were guien, assigned, or appointed, to go or be employed wholly to the finding or maintenance of any anniuersarie, or obite, or other like thing, intent, or purpose, or of any light or lampe, in any Church or chappell, to haue continuaunce for euer, which hath been kept or maintained within fiue yeares next before the said first day of this present parliament.

9 And also that where but part of the rents or reuenues of any manors, lands, tenements, rents, or other hereditaments hath by any of the waies and meanes aboueslaid, been guien, assigned, or appointed to be bestowed or employed to the finding or maintenance of any anniuersary or obite, or other like thing, intent, or purpose, or of any light or lampe in any Church or Chappell, and to haue continuance for euer, that then our Soueraigne Lord the king shall from the said feast of Easter next comming, for euer, haue, perceiue, & enioy such summes of money, that in any one yere within 5. yeres next

before the first day of this present parliament hath bin expended & bestowed about the finding or maintenance of any such anniversary, or obit, or other like thing, intent, or purpose of any light or lamp, to him, his heirs, & successors for euer, as a rent charge to be paied yearely at the feasts of S. Michael the Archangel, & the annunciation of our Ladie S. Mary the virgin, by euen portions in the kings court of Augmentations, & reuenues of his crowne, or in any other court or courts, as the king hereafter shall appoint.

10 And that it shall be lawfull to our said soueraigne Lord the king, his heires and successors, for non paiment of any such summe or summes of money, to distraine in the said manors, lands, & tenements of the issues & reuenues, whereof the said anniversarie, or obite or other like thing, or any such light or lampe was found, sustained, or maintained.

11 And that for lack of sufficient distresse in or vpon any of the premisses, whereof any of the said yearely rents or summes of money should be paied by the space of one moneth next after that any of the said rents should be paied, & be not paid within the said moneth: that then it shall be lawfull to & for our soueraigne Lord the king, his heires and successors, by vertue of this present act, to enter into, and to haue and possesse as much of the landes, tenements, and hereditaments

tements, whereof the said rent or rentes should be leuyed or paied, as the rent or rēts that should bee leuied or paied out of the same both or shal amount or come to in perely haine, & the same lands, tenements, & hereditaments, to hold & keepe, & to haue[to] our said soueraigne Lord the king, his heires, & assignes for euer, or for such estate as our soueraigne Lord the king, his heires or successours, had, or ought to haue had, of, or in the saide rent or rents.

13 And it is also ordeined & enacted by the authoritie of this present parliament, that our soueraigne Lord the king, shall from the said feast of Easter next comming, haue, perceiue, and enioy all and singuler such summes of money, profites commodities, & emoluments, which by vertue of any manner of assurance, conueyance, composition, will, deuise, or otherwise, heretofore haue been giuen, assigned, limited, or appointed to haue continuance for euer, which in any one yeare, within fiue yeares next before the beginning of this present parliament, haue been paied, bestowed, or employed, by any maner of corporations, guildes, fraternities, companies, or felowships of misteries, or crafts, or any of them being in England, Wales, and other the kings dominions, or by the Masters, wardens, gouernours, or other officers or ministers, or by the master, warden, gouernour, or other officer, or minister of them, or any of them, toward or

about

about the finding, maintenance, or sustentation of any priest or priestes, of any anniversarie or obite, lampe, light, or lightes, or other like thing as is aforesaid, to our said soueraigne Lord the king, his heires and successours for euer, to be payed yearely as a rent charge, at the feastes of Saint Michaell the Archangell, and the Annunciation of our Ladie, by euen portions, in the kings Court of Augmentations, and reuenues of his crowne, or in any other court, or courtes, as the king hereafter shall appoint.

13 And that it shall be lawfull to our said soueraign Lord the king, his heires & successors, for non payment of any such summes or summe of money, profit, commodity, or emolument, or for non payment of any of them, to distreyne in all the manors, lands, tenements of euery such crafte, corporations, gildes, fraternities, companies, or fellowships of misteries or crafte, or any of them, by whom or by the masters, wardens, gouernors or other officers, or ministers, or minister, warden, gouernour or minister of the which any such summes or summe of money, profit, commoditie or emolument, haue or hath been paied, bestowed or employed. And that all and euery of the said summes of money, profits, commodities, & emolumentes, shall from the feast of Easter next comming, without any manor of inquisition or office to be had or found, be iudged and deemed to

be

be in the actuall & reall possession of our said soueraigne Lord the king, in like manner and fourme to all intents, constructions, and purposes, as if the same had been perticularly and specially mencioned in this present act.

14 And furthermore be it ordeined & enacted by authoritie aforesaid, that the king our soueraigne Lord, shall from the said feast of Easter next comming haue and enioy to him his heires and successors for euer, al fraternities, brotherheds & guildes, being within the Realme of England & Wales, & other the kings dominions, & all manors, lands, tenements, & other hereditaments belonging to them or any of them (other then such corporations, guilds, fraternities, companies & fellowships or misteries, or crafts, & the manours, lands, tenements, and other hereditaments, pertaining to the said corporations, guildes, fraternities, companies, & fellowshippes of misteries or crafters, aboue mencioned,) and shall by vertue of this act be iudged and deemed in actuall & reall possession of our said Soueraigne Lord the king, his heires and successours, from the said feast of Easter next comming for euer, without any inquisition or office thereof to be had or found &c. Diuers things touching commissions, for the survey and disposition of the premisses.

15 And also be it ordeined and enacted by the authoritie of this present Parliament,

that

that our soueraigne lord the king shall haue and enioy, all such goods, cattels, tenents, plate, ornaments, and other moueables, as were or be the common goods of euery such colledge, chauntrie, free chappell, or stipendary priest, belonging or annexed to the furniture or seruices of their seuerall foundacions, or abused of any of the said corporacions in the abuses aforesaid, the property whereof was not altered nor chaunged before the eight day of December, in the yeare of our Lord God 1547.

16 And it is also ordeyned and enacted by the authority of this present parliamẽt, that all such debts & summes of money, as ought or should without fraud or couin hereafter be payed of the mony or goods of any of the said colledges, due or payable by reason or of any contract, specialtie, or promise, had or made before the same eight day, shall truely and fully be payed by the Treasourer of the kings Court of the augmentations and reuenues of his crowne, or by the treasorer or receiuer of any other Court, to which any of the premisses shall be appointed, of the kings treasure, being in his or their hands, with as conuenient speed as the same may be paied.

17 Prouided alwaies, and be it ordeined and enacted by the authority aforesaid, that this act or any article, clause, or matter conteined in the same, shall not in any wise extend to any colledge, hostell, or hall, being

within

within either of the Universities of Cambridge and Oxford, nor to any Chauntry founded in any of the colledges, hostels or halles, being in the same vniuersities, nor to the free Chappell of Saint George the Martir, scituat in the Castell of Windsor, nor to the Colledge called saint Mary Coiledge of Winchester, besides Winchester, of the foundatian of Bishop Wickham, nor to the Colledge of Eaton, nor to the parish church, commonly called the Chappel in the sea in Newton, within the Isle of Ely, in the Countie of Cambridge, nor to any manors, lands, tenements, and hereditaments, to them or to any of them pertayning or belonging, nor to any Chappell made or ordeined for the eale of the people, dwelling distant from the Parish Church or such like Chapell, whereunto no more lands, or tenements, then the churchyard, or a little house or close, doth belong or pertaine, nor to any Cathedrall Church or coiledge where a Bishops sea is within this Realme of Englād, or in Wales, nor to the manors, lands, tenements, or other hereditaments, of any of them (other then to such chauntries, obites, lightes, & lampes, or any of them, as at any time within fiue yeres next before the beginning of this present parliament, haue bin had, vsed, or maintained within the said Cathedral churches, or within any of them, or the issues, reuenues, or profits of any of the said Cathedral

churches,

churches, to which chauntries, obits, lights, & lampes, it is enacted by the authoritie aforesaid, that this Act shall extend.)

18 And it is ordeyned and enacted by the authoritie aforesaid, that our Soueraigne Lord the king, at any time during his life, (which God long preserue) may at his will & pleasure, alter & chãge the name or names, of all & singuler chantries, & the foundations of the same, being in any of the colledges, hostels, or hals, of any of the said Vniuersities, according as to his Godly wisedome shall be thought meet & conuenient.

19 Sauing to all & euery person and persons, bodies politike and corporate, their heires & successors, & the heires & successors of euery of them, (other then the Master, wardeines, Ministers, gouernors, rulers, priests, incumbents, fellowes, and brethren of the said colledges, chauntries free chappels, or other the premisses, giuen, limitted or appointed to the King by this act, & the successours of them, and euery of them: and other then such as be, or pretend to be founders, patrons, or donors of the premisses, or any of them, or of any part or parcell thereof, and the heires successors and assignes of euery, or any of them: and other then such as be, or were feoffees, recouerees, confees, graunees, or demisees, of any of the premisses, to, or for any of the vses, purposes, or intents above mencioned, or to the vse of any of the said colledges, free chappels,

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chantries, or other the premisses, giuen, vnitted, or appointed by this act to the king, or to the intent to implay the rents or profits thereof, to the vse of Masters, rulers, incumbents, or ministers of them, or any of them and other then such person & persons, and bodies politike & corporat, their heires, successors and assignes, as claime or pretend to haue estate, right, title, interest, vse, possession, or condition, of, in, or to the premisses, or any part or parcel thereof, by reason of any feoffement, fine, bargaine, & sale, or by any other wayes, meanes, or conueyance, to them made, of any estate of inheritance, without the said late kings licence, assent, consent, or agreement, and without the licence, assent, or agreement of the kings Maiestie that now is, by any of the said Deanes, Masters, Wardeins, Ministers, gouernors, rulers, priestes, or incumbents, or by the foundors, donors, or patrons of them, or of any of them) all such right, title, claime, possession, interest, rents, annuities, commodities, commons, offices, fees, leases, liueries, lyuinges, pencions, porcions, debts, dueties, and other profites, which they, or any of them lawfully haue, or of right ought to haue, or might haue had, in, of, or to any of the premisses, or in, of, or to any part or parcell thereof, in such like manner, form, & condition, to all intents, respects, constructions, and purposes, as if this Act had neuer bein had nor made, & as though

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the said chauntries, colledges, & other the said promotions had still continued and remained in their full being.

20 And saluing to all and euery patron, donor, founder, or gouernor, of any such colledge, chauntrie, free chappell, stipendarie Priestes, and other the premisses, given, limitted, or appointed to the king by this act, and the donour, fressor, and giuer of the aforesaid lands, tenements, or hereditaments, to them, or any of them, or to any vses or purposes before mentioned, all such rents seruices, rents secke, rents charge, fées, annuities, profits, & offices: and also Leases for terme of life, liues, and yeares, whereupon the accustomed rent or more is reserued, as they or any of them lawfully had, perceiued, & inioyed, in, out, or of any the said promotions, or out of any of the said lands, tenements, or hereditaments, before the first day of this present parliament.

21 And ouer that it is ordeined &c. that those then liuing which had receiued any money for any of the premisses, should repay it, and of one clause, that the premisses shall be in the surney and order of the Court of Augmentation.

22 And it is further enacted by the authoritie aforesaid, that if any of the said Ministers, Wardens, Ministers, rulers, gouernors, priestes, incumbents, or owners of any such colledge, chauntrie, free chappell, or of any the premisses, given, limitted, or appointed

pointed to the king by this act or any of them, sithens the xviij. day of Nouember, in the xxvij. yeare of the Raigne of the said late King, haue made any lease vnder his or their common seale or otherwise, for terme of yeres, life, or liues, of their said colledges, chauntries, free chappels, or of other the same premisses, or of any part therof, or of any manors, lands, tenements, possessions or hereditaments, whatsoeuer they be, to them, or to any of them vnited or annexed, belonging or appertaining, vpon the which leases, the vsuall and olde rents and fermes accustomed to be yelden and reserued, or more, by the space of xx. yeares, next before the said thirtie and twenty day of Nouember, not reserued & yelden, shall be vtterly void & of none effect.

23 And that all other leases and graunts heretofore made of any the premisses, giuen, limitted, or appointed to the King by this act, shall be as good, auailable, and effectuall in the law, to all intents, constructions and purposes, as if this act had neuer bin had or made: any thing in this act, or any other act heretofore had or made to the contrary therof in any wise notwithstanding.

24 Prouided alwaies, & be it further ordeined and enacted by the authoritie aforesaid, that this act or any thing therein contained, shall not extende to any mannors, lands, tenements, possessions, or hereditaments, which the said Masters, wardeins,

ministers, chauntrie priestes, incumbents, or other the said gouernors, officers, ministers or rulers of the premisses, or of any of them, hath, or is, or hereafter shall haue or be possessed or seised of, in fee simple, fee taile, generall or speciall, for terme of life, terme of yeres, or otherwise, to his or their owne proper vses, by inheritance or purchase: and not being at any time vnited or annexed to his or their said colledges, free chappels, chauntries, or other the premisses, geuen limitted, or appointed to the King by this act, nor shall extend to any manors, lands, tenements, possessions, rentes, annuities, and yeerely pencion or porcions, or to any yeerely summe or summes of money, being not vnited, or parcell of any of the said colledges, and other the premisses aforesayd, or of any of them heretofore giuen or graunted by the said late king, or giuen or graunted, or hereafter to be giuen or graunted by the king our soueraigne Lord, to any of the said Deanes, Maisters, Wardeins, Ministers, Chauntrie priestes incumbents, gouernors, or rulers of the premisses, or of any of them for terme of life onely, vnder his great Seale of England, or vnder the seale of the Court of the Augmentations and reuenues of the kings crowne, or any other of the Kings seale of any of his courts: any thing conteined in this act to the contrary in any wise notwithstanding.

25 Prouided alway, and be it enacted by autho-

authoritie aforesaid, that aswell all & euery patron, donour, foundour, and giuer of any of the said promotions or premisses, or giuer, donor, or feoffor of any their lands, tenements, possessions, or other hereditaments, as all and euery person or persons, bodies politike or corporate, which before the making of this act, lawfully without fraude or couin, had or enioied any maner of rent, or other yerely profits to be taken, perceiued or had, of any chauntries, colledges, free chappels, or other the premisses giuen, limitted or appointed to the King by this act, or out of any manours, lands, tenements, or other possessions of them, or any of them, shal haue and enioy the same, in like manner and fourme, as they should and ought to haue done, if the sayd colledges, chauntries, free chappels, and other the premisses, giuen, limitted, or appointed to the king by this act, had still remained and continued in Esse, and full being: any thing in this act mentioned to the contrary in any wise notwithstanding.

16 Prouided also, & be it enacted &c. a discharge of those first fruits, which after the first day of this Parliament should growe due for the premisses,

17 Prouided alwaies, and be it enacted by the authoritie aforesaid, that all such rents, seruices, issues, profits and other summes of money payable out of, or for any of the premisses, or any of them, in the kings court of

his Exchequer, shall continue, & be continually and yerely levied, charged, or paid in the same court, in such maner & forme, as heretofore hath bée vsed: any law, custome, vnitie of possession in the kings highnes, or other thing to the contrary notwithstanding: and as though the said promotions, manors, lands, tenements, and other the premisses had not come to the kings hands or possession.

28 And be it further enacted by the authoritie aforesaid, that all & euery letters patents made by the said late king Henry the eight, or by the Kings Maiestie that now is, or hereafter to be made by his highnes to any person or persons, or to any Archbishop or Bishop, of any of the said colledges, chantries, frée chappels, or other the premisses, or any part or parcel of them, or of any lãds, tenements, or hereditaments, belonging or appertepning, or that did belong or appertaine to them, or to any of them.

29 And all fines, gifts, grants, feoffemẽts, recoueries, & all other assurances and conueiances thereof had or made, by the assent, consent, or licence vnder the great seale of England, of the said late king H. 8. or of the kings Maiestie that now is, to any person or persons, bodies politike or corporate, by any chauntrie priest, master, wardein, mynister, ruler, gouernor, or other hauing any of the said promotions, of any of the said colledges, chauntries, frée chappels, or other

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the premisses, or of any of the, or of any part parcel, or member of the same, shal stand and be in their forces and effects, & shall be good and effectual in the law, for such estates and interestes, giuen, graunted, limitted or appointed in any of the gifts, graunts, assurances or conueiances thereof had or made, according to their purports, forme and maner, and according to the true intent & meaning of the same assurances, and shall be by authoritie of this act good, perfit and auailable as well against the King, his heires and successors, as against the said chauntry priestes, wardens, masters, rulers, gouernors, and other hauing any of the said promotions and their successours, and the successours of euery of them: also against the foundors, donors and patrons of the same, and the ordinary of them and euery of them, and the heires and successours of euery of them: any law, statute, ordinaunce, or other thing to the contrary thereof notwithstanding.

30 And where diuers & sundry Bishops, deanes, archdeacons, treasorers, prebendaries, chauntrie priestes, masters, prouostes, rulers, gouernours of any Deanries, archdeanries, treasorerships, prebendes, free chappels, chauntries, or colledges, within this Realme of England, and other the Kings Maiesties dominions, or any of the Patrons, foundours, or donours, of any of the Bishoprickes, Treasorerships, Dean-

ries, chauntries, free chappels, or other the said spirituall promotions, of their voluntarie wills or minds, haue for diuers good & reasonable cause and considerations, by deede or deedes inrolled, or by other writinges or conueyances heretofore giuen and graunted to the late King of famous memorie Henrie the eight, late King of England, and to his heires, or to our Soueraigne Lord the King that now is, and to his heires, diuers of the deanries, archdeanries, Treaserrshippes, Prebendes, chappels, chauntries, and colledges, or any other Ecclesiasticall or spirituall promotions, last before remembred, and all or some part of the mannours, lands, tenements, tythes, pencions, annuities, rents, reuersions, and other reuenues, hereditaments, possessions, emoluments, and profites to the same Bishoprickes, Deanries, colledges, and other like promotions, benefices, offices, and dignities, or to any of them belonging, appertayning, united or annexed, or which the sayd Bishoppes, deanes, archdeacons, Treasorers, chauntry priestes, Masters, Prouostes, Rulers, gouernours, and other ecclesiasticall or spirituall officers or ministers, or any of the said patrons, donours, or foundours, or any of them, had or enioyed, in the right, or by reason of any of the same promotions, offices or dignities.

13 Be it enacted by the authoritie aforesaid,

said, that all and euery giftes and graunts heretofore made to the said late King, and to his heires, or to our soueraigne Lord the king that now is, and to his heires, by any Archbishop, Bishop, Deane, Archdeacon, Treasorer, Prebendarie, master, Prouost, Gouernour, or other the said Ecclesiasticall or spirituall person or persons, or by any patron, donour, or foundour of any of the said Deanries, Chauntries, or other of the said spirituall or ecclesiasticall promotions, or of all, or any of the Manours, lands, tenements, tythes, rents, reuersions, pensions, portions, annuities, or other hereditaments, reuenues, emoluments, profits, or commodities to any of the sayd benefices, offices, prebendes, promotions, or dignyties belonging, appertayning, vnyted or annexed, or which any of the same Archbishoppes, Bishops, Deanes, Archdeacons, treasorers, masters, prouostes, prebendaries, rulers, gouernors, officers, or ministers, patrons, foundors, or donors, had or inioyed, or haue, or inioy, or ought to haue or inioy, in the right, or by reason or meanes of any of the same promotions, offices, or dignities, shall be good and effectuall in the Law to all intents & purposes. Sauing to all & euery person and persons, and bodies politike & corporat, their heires, successors, and assignes, & to the heires, successors, and assignes of euery of them (other then the archbishops, bishops, deanes, arch-

deacons, treasorers, prebendaries, rulers, gouernors, wardens, prouostes, ginors and graunters of any of the premisses, and their heires, successors and assignes, & other then such ecclesiasticall or spiritual persons, bodies politike or corporate, as are or pretend to be foundours, donors, patrons, or Ordynaries of the premisses, or any of them) all such rights, titles, interestes, claimes, entries, rents, reuersions, remainders, fees, offices, annuities, lands, tenements, hereditaments, profits, commodities, & emolumēts, as they or any of them haue, or should, or ought to haue had, of, in or to the premisses, next aboue mencioned, or any part thereof, as if this act had neuer bin had or made: any thing in this act to the contrary in any wise notwithstanding.

32 Prouided alwaies, that this act or any thing therein contained, shal not in any wise extend to make good or effectuall, any gift, graunt, bargains, sale or alienation made by any person or vicar of their parsonages or vicarages, or of any part or parcell thereof, or of any thing to them or any of them belonging or apperteining.

33 Prouided also, that this act or any thing therein contained, shall not in any wise extend to hinder or preiudice George Brooke knight, lord Cobham, his heires or assignes for, or concerning the late colledge of Cobham, in the countie of Kent, or the manors, lands tenements or possessions thereof, any

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thing aboue mentioned to the contrarie in any wise notwithstanding.

34 Prouided also, and be it enacted by the authoritie aforesaid, that this present act or any thing therein contained shall not in any wise extend, or be preiudiciall or hurtfull to the generall corporation of any Citie, Borough or towne within this Realme, or any other the kinges dominions, ne shall extend to any the lands or hereditaments of them or any of them, any thing herein contained to the contrary in any wise notwithstanding.

35 Prouided also, and be it enacted by the authority aforesaid, that all such of the said colledges, free chappels, chauntries, and other the premisses, being appointed and giuen to the kings highnesse, by the authority of this act, as be within the Duchy of Lancaster, and all manors, lands, tenements, and hereditaments, pertayning or belonging to the same colledges, free chappels, and chauntries, shall after the said feast of Easter next comming, be within the surueyand order of the Court of the Duchy of Lancaster, in such maner & forme, as other the premisses be assigned or appointed by authoritie of this Act, to bee in the surueyand order of the Court of Augmentations & reuenues of the kings Crowne, or other Court by the king to be assigned: And that all Commissions, that hereafter shall be awarded by vertue & force of this Act, concer-

cerning such colledges, frée chapels, chauntries, and other the premisses, as bée within the sayd Duchie of Lancaster, shall be awarded vnder the great seale of England, and shall be certified into the same Court of the Duchie of Lancaster: any thing aboueseid to the contrary in any wise notwithstanding.

36 Prouided alwaies, and be it enacted by the authoritie aforesaid, that this act, ne any thing therein contained, shall extend to the Colledge or chauntrie of Attlborough in the county of Norfolke, which the sayd late King Henry the eight, gaue to Robert, Earle of Sussex, and to his heires, but that Henry now Earle of Sussex, sonne & heire to the said late Earle, his heires and assignes, shal and may by the authoritie of this act, haue and enioy the said Colledge, and chauntrie, and all manors, lands, tenemēts, aduowsons, tithes, pensions, portions, and other hereditamēts, thereunto belonging or appertaining: any thing in this act to the cōtrary in any wise notwithstanding.

37 Prouided alwaies, and by the authoritie aforesaid, be it enacted, that the kings Maiestie, at any time when it shall seeme to him good, may giue authoritie to certaine his graces commissioners, to alter the nature and condition of all manner of Obites, alswell within the vniuersities of Cambridge & Oxford, as in any other place within this his graces Realme of England, and

Wales,

wales, being not suppressed ne adnichilate by vertue of this present act, and the same Obites so altered, to dispose to a better vse, as to the relieſe of some poore men being students, or otherwise.

38 Prouided also, and be it enacted by authoritie aforesaid, that it shall not be lawfull to any person or persons, bodies politike or corporate, by reason of any remainder, vse, or condition, to enter into, claime, or challenge any lãds, tenements or hereditamẽts, for the non doing, not naming, or non finding of any such priest or priestes, or poore folkes, as is aforesaid, Obite, anniuersarie, light or lampe, from henceforth to be founden or done: any thing herein contained to the contrarie in any wise notwithstanding.

39 Prouided alwaies that this act, nor any thing therein contained, shall not in any wise extende to any lands, tenements, possessions or hereditaments, whatsoeuer, that anie Master, Deane, Prebendarie, Wardein, or chauntrie, or any stipendarie priest of any colledge, chauntrie, prebende, fraternity, guild, or any other corporations haue, or heilde of any person or persons, by copie of court rolle, or at will, according to the custom of any manour or manours, nor giue or graunt any copyhold lands to the kings highnesse.

40 And also prouided that the kings highnesse, his heires or successors, shall not in any wise haue, hold, enjoy or take by vertue

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of this act, or any article therein contayned, any manner of copyold lands, tenements, possessions or hereditaments whatsoeuer they bee, but that all and euery of the said persons and incumbents shall haue, hold, and enioy the same during their liues, towards their pension and yerely liuing, paying the rents, and dooing their customes, and seruices thereof due and accustomed, any thing in this act to the cõtrary notwithstanding.

41 Prouided, that this act shal not extend to any lands, tenements, or hereditaments, assigned, appointed, or intended for the finding or maintenance of any Chauntrie priest, or stipendarie priest, which by any former right, and good title without fraude or couin, were lawfully recouered from the possession of any such chauntrie priest, or stipendarie priest, before the first day of October, the said xxxvij. yere of the raigne of the said late king Henrie the eight, which lands, tenements, and hereditaments, were not charged, nor chargeable to the paiment of the perpetuall tenth: any thing in this act to the contrary hereof notwithstanding.

42 Prouided alwaies, and be it enacted by the authoritie aforesaid, that all and singuler graunts, licences, confirmations, and letters patents, which our late soueraigne Lord king Henry the eight, or our soueraigne Lord the king that now is, haue made

made vnder the great seale of England, to any person or persons, bodies politike, or corporat, of any colledge, chappel, or chauntrie now being in esse, or standing, or now not being in esse, or not standing, or of any lordships, manours, lands, tenements, and hereditaments, annexed, vnited, belonging, or appertayning to any colledge, chappell, or chauntrie now being in esse, or standing, or now not being in esse, or not standing, or of any other thing or things, mencioned, expressed, or contained in any such graunt, licence, confirmation, or letters patents, shal from henceforth be deemed, taken, expounded, and adiudged good and effectuall in the law, according to the wordes, sentences, meanings, intents, fourme and effects of the same grauntes, licences, confirmations, and letters patentes, to all intents, constructions, and purposes, as if this act, and the said act made in the said xxxviij. yere of the said late king Henry the eight, had neuer bin had nor made.

43 And that this act or the said act made in the said xxxviij. yeare of the raigne of our said late soueraigne Lord king Henrie the eight, or any clause, article, sentence, or other thing therein contained, shall not extend to any Colledges, Chappels, chauntries, or other thing or thinges mencioned in this act, now being in esse, or standing, or now not being in esse, or not standing, or to any manours, lands, tenements, possessions, re-

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uenues, or hereditaments, annexed, united, belonging or appertayning to any colledge, chappell, chauntrie, or other thing mencioned in this act, now being in Esse, or standing, or now not being in Esse, or not standing, or to any other thing or things, mencioned or expressed in this Act, which any person or persons, bodies politike, or corporate, haue, had, or obtayned by the assent, licence, confirmation, graunt, or letters patents of the said late king, or of the kings Maiestie that now is: Nor shall extend to any manours, lands, tenements, reuenues, possessions, hereditaments, or other thing or things, mencioned, expressed, or contayned in any such licence, confirmation, graunt, or letters patents, but that euery such person & persons, bodies politike and corporate, their heires, and successors, and assignes, and the heires, successors, and assignes of euery of them, shall haue, hold, and inioy, all and euery the same colledges, chappels, chauntries, manors, lands, tenements, reuenues, possessions, and hereditaments, and all and euery other thing and things whatsoeuer, so by them had or obtayned, by the assent, licence, confirmation, graunt, or letters patents of the said late king, or of the kings Maiestie that now is, according to the wordes, sentences, forme, effect, meaning, and intent of the same licences, confirmations, graunts, and letters patents: This Act, or the said Act made

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in the said 37. yeare of the raigne of the said late king Henry the eight, or any clause, article, sentence, matter, or thing, mencioned, expressed, or contayned in any of the same Actes, to the contrarie thereof in any wise notwithstanding.

An act touching the finding of Offices before the Eschetour, Anno 2. Edwardi 6. cap. 8.

Eschetours 15.

WHere many and diuers persons, holding, or that haue holden lands, tenements, or hereditaments, some for terme of yeares, and some by copie of court Roll, haue bēn expulsed and put out of their termes & holdes, by reason of Inquisitions, or offices, founden before Eschetors, Commissioners, and other, conteyning tenures of the king in Capite, intitling the king to the wardship or custodie of such lands or tenements, and sometime intitling the king to the same, vpon attainders of treason, felonie, or otherwise, by reason that such leases for term of yeres, or interest, by copie of court Roll, of such persons haue not bēn found in such inquisitions or offices: after which expulsion or putting out, the said persons haue bēn without remēdie, for the obtayning of the said termes and holdes, during the kings possess-

possession therein, and can haue no Trauerse, Monstrance de droit, ne other remedy for the same, because their said interest, is but a chattell in the law, or customary hold, and no estate of freehold.

2 And also, where any person or persons hath any rent, common, office, fee, or other profit apprender, of any estate of freehold, or for yeares, or otherwise, out of such lands or tenements, specified in such offices or inquisitions, the said rent, common, office, fee, or profit apprender, not found in the same office or offices, such persons are in like maner without remedie, to obtaine or haue the said rent, common, fee, or profit apprender, by any Trauerse, or other speedy meane, without great and excesse charges, during the kings interest therein, by force of such inquisition or office.

3 For remedie whereof, be it enacted by authoritie of this present Parliament, that where any such office or inquisition, is or shall be founden, omitting such titles, interests, or matters, as aforesaid, that in all such cases, euery lessee, tenant for terme of yeares, or copyholder, and euery such person and persons, that haue, or shal haue any interest to any rent, common, or profit apprender, for terme of yeares, life, or otherwise, out of any the lands, tenements, or hereditaments, contayned in such office or inquisition, where the king, his heires or successors, is, or shall be intitled, as is

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aforesaid, to any such lands, tenements, or hereditaments, shall have, hold, enjoy, and perceive, all and every their leases, & interests, for terme of yeares, or by copie of court roll, rents, commons, offices, fees, and profit apprender, in such manner, forme, state & condition, as they & every of them, should or might have done, in case there had been no such office, or inquisition found, and as they should or lawfully might, or ought to have done, in case such lease, interest by copy of court roll, rent, common, office, fee, or profite apprender, had been founden in such office, or inquisition: any law, custome, or usage, to the contrary heretofore vsed in such cases, in any wise notwithstanding.

4 And also, where it is or shall be founden for the king, his heires or successours, that the heire or heires of his tenant, or tenants, is, or shall be wythin age, where in deed such heire or heires is, or shalbe at the same time of full age, or of a more or greater age, then is, or shall be contained within such office:

5 Be it further enacted by the authoritie aforesaid, that in every such case, such heire and heires, shall & may at his or their verie full age, or after, persecute, [alias prosecute] a writ of Ætate probanda, and for his or their Liverie, or Ouster le maine, as his or their cases shall lye, and have the profites of his or their lands, tenements, or hereditaments, from the time of his, or their verie

full age: any such untrue office or inquisition, or any law or custome to the contrarie in any wise notwithstanding.

6 Also where one person or moe, is or shall be founden heire to the kings tenaunt by office or inquisition, wher any other person is, or shall be heire, or if one person or moe, be or shall be founden heire by office, or inquisition, in one countie, and an other person or persons is or shall be founden heire to the same person in an other countie, or if any person be, or shall be untruely founden Lunatike, Ideot, or dead:

7 Be it enacted by the authoritie aforesaid, that every person & persons, grieued, or to be greeued by any such office or inquisition, shall and may haue his or their trauerse to the same, immediatly, or after, at his or their pleasure, and proceede to triall therin, and haue like remedie and aduantage, as in other cases of trauers upon untrue inquisitions or offices founden: any law, vsage, or custome to the contrarie in any wise notwithstanding.

8 Also, where it is or shall be hereafter untruely founden by office or inquisitions that any person or persons attainted, or that shal be attainted of treason, felony, or premunire, is or shall be seised of any lands, tenements, or hereditaments, at any time of such treason, felony, or offence, committed or done, or any time after, whereunto any other person or persons hath, or shall haue any iust title

or interest of any estate of freehold: that then in every such case, every person & persons greeued thereby, shall haue his or their trauerse, or Monstrance de droit to the same, without being driuen to any Petition of right: And like remedy & restitution, vpon his or their title, found or iudged for him or them therein, as hath bin accustomed & vsed in other cases of trauerse, although the K. Maiesty, his heires, or successors, be or shall be, in such case intitled to any such lands, tenements, or hereditaments, by double matter of record: any law, custom, or vsage to the contrary in any wise notwithstanding.

9 And further be it enacted by the authority aforesaid, that where any inquisition or office, is or shall be founden, by these words or like, Quod de quo, vel de quibus tenementa predicta tenenť, iurať predict' ignorant, or else founden holden of the king, Per que seruitia ignorant, or such like, that in such case, such tenure so vncertainly founden, De quo vel de quibus tenementa predict' tenentur ignorant, shall not be taken for any immediate tenure of the king, nor such tenure so founden of the the king, Per que seruitia ignorant, shall not be taken any tenure in capite, but in such cases a Melius inquirendum to be awarded, as hath bin accustomed in old time: any vsage of latter time to the contrary notwithstanding.

10 And be it further enacted by authority aforesaid, that where it is or shal be founden

by any office, or inquisition, that any lands, tenements, or hereditaments, are, or shall be discended, remained, or commen to any heire within age, and in the kings ward, or that ought to be in the kings ward, and that such lands, tenements, or hereditaments, are holden of the king immediatly, where in deed the same are, or shall be holden of some other common person, & not of the king immediatly: that in such case, such heire or heires, shal & may haue their trauerse to the same within age, & like remedy & restitution vpon his or their title founden or iudged for him, or them therein, as hath been accustomed and vsed in other cases of trauerses: any law, vsage, or custome, to the contrary in any wise notwithstanding.

12 Also where the Kings Maiesty by his prerogatiue, ought to haue as well such lands, and tenements, as be holden of other persons, as holden of himselfe immediatly, whereof his tenant holding of himselfe in chiefe, dyeth seised, his heire being within age, vntil such time as liuery be sued by such heire, and that the mean lords, of whom the said other lands and tenements, of such heire, be holden, vsed to sparte the rents due to them for the same lands or tenements, holden of them, during the kings possession. And when such heire hath sued his or their liuerie they vse by distresse, or otherwise to compell the said heire to pay to them the arrerages of such rents, for such time as the said

said lands, or tenements, were in the kings possession by such minoritie, where they should haue sued by petition to the kings maiestie, to haue obtained the same out of the kings hands, if they would haue the same, which is to the great detriment, losse, and hindrance of such heire and heires. For redresse whereof be it enacted by the authority of this present parliament, that from henceforth, such meane lords, during such minoritie, shall haue, receiue, and take the said rents by the hands of such the kings officers, as shall be appointed to haue, receiue, & take the issues, reuenues, and profits of the same lands, and tenements, so holden of such meane Lords, during the minority and nonage of such heire and heires, s vntill such heire and heires sue his or their liuerie, and that such heire and heires, vntill such time as he or they shall haue sued their liuerie, or might conueniently haue sued their liuerie, shalbe thereof clearely discharged. And that such officer or officers, shall vpon request made, pay the same to such meane Lords (they giuing to such officer and officers, a sufficient acquitance, or acquitances, for the receipt of the same. And that such payment thereof made with acquitance, or acquitances thereof shewed, shalbe to such officers a sufficient discharge, against the kings maiestie, and his heires vpon his or their accompt in that behalfe: any law, vsage or custome heretofore had, or vsed to the con-

trary hereof in any wise notwithstanding.

12 Prouided alwaies, and it is enacted by the authoritie aforesaid, that this act, or any thing therein contained, shall not in any wise extend to any inquisition or office taken or founden, at any time before the xx. day of March next comming, nor to hinder preiudice, or take away, the title, interest, or possession of our soueraigne Lord the king, or of any other person or persons growen, or commen by vertue, meane or occasion of any inquisition or office taken, or found before the same day, but that as well our said Soueraigne Lord the king, as all other person or persons, hauing any title, interest, or possession, by vertue, meane, or occasion of any inquisition or office found before the same day, shall, and may haue, hold, and enioy the same in like maner and forme as though this act had neuer been had or made, any thing in the same act to the contrary in any wise notwithstanding.

13 Prouided also, and it is enacted by the authoritie aforesaid, that in all such cases as any person or persons shall be enhabled by this act to haue any trauerse, and shall pursue his or their trauers, that then he or they that shall pursue such trauerse, shall sue one writ, or seuerall writs of Scire facias (as the case shall require) against all and singuler such person & persons as shall haue interest by the king, or by his patent or patents, in like maner and forme as is requisits,

site, vpon trauerses, or petition heretofore pursued. And that in euery such Scire facias the patentees, or other defendaunts shall haue like pleés, & auuantages, as they had in any Scire facias, before this time awarded against any patentee in any case of petition. And also, that vppon euerie trauerse that shall be pursued by vertue or meane of this act, in such case as the partie or parties that shall pursue any such trauerse, should by the order of the Common Lawes of this Realme, haue bein put to sue by petition to the king, there shall be two writes of search granted in maner & forme, as like writes haue bein granted vpon petitions made to the king.

14 Prouided also, and it is enacted by the authority aboueseid, that if after any iudgement shall be giuen vpon any trauers, that shalbe tendred, or sued by vertue or meane of this act, it shall appeare by any matter of record, that the king hath any other former title, right, or interest to the manours, lands, tenemeuts, or other hereditaments mentioned in the same trauers, that then the same title, right, & interest, shall be saued to the king, the said trauers and iudgement thereupon giuen, in any wise notwithstanding.

An Act for the payment of Tithes, An. 2. Ed. 6. cap. 13.

Tithes 10.

WHere, in the Parliament holden at Westminster the iiij. day of February, in the xxvij. yere of the raigne of the late king of most famous memorie king Henry the 8. [cap. 20. Tithes 5.] there was an Act made concerning payment of Tithes prediall and personall. And also in an other parliament holden at westminster the xxiij. day of July, in the xxxj. yeare of the raigne of the said late king Henry the eight [cap. 7. Tithes 8.] An other Act was made concerning true payment of Tithes & Offerings, in which seuerall are many and diuers things be omitted and left out, which were conuenient and very necessary to be added to the same: In consideration whereof, & to the intent the said Tithes may be hereafter truely paied, according to the mind of the makers of the said Act:

2 Be it ordeined and enacted by the king our soueraigne Lord, with the assent of the Lords spirituall & temporall, and the commons in this present parliament assembled, and by the authoritie of the same, that not onely the said Actes made in the said xxvij. and xxxij. yeres of the raigne of the said late king Henry the eight, concerning true payment of Tithes, and euery article & branch

there-

therein contained, shall abide and stand in their full strength and vertue:

3. But also be it further enacted by the authority of this present parliament, that every of the kings subiects shall from henceforth truly & iustly without fraud or guile, diuide, set out, yeild, & pay all maner of their predial tithes, in their proper kind, as they run and happen, in such maner & forme, as hath been of right yeilded & paied, within forty yeares next before the making of this act, or of right or custome ought to haue been paied.

4. And that no person shal from henceforth take or carie away any such or like Tithes, which haue been yeilded or paied within the said fortie yeares, or of right ought to haue been paied in the place or places tithable, of the same, before he haue iustly diuided or set forth for the Tithe thereof, the tenth part of the same, or otherwise agreed for the same tithes with the Parson, Vicar, or other owner, proprietorie, or fermor of the same Tithes, vnder the paine of fortaitture of treble paine of the tithes so taken or caried away.

5. And be it also enacted by the authoritie aforesaid, that at all times whensoeuer, and as often as the said prediall tithes shall be due, at the tithing time of the same, it to be lawfull to euery partie to whom any of the said tithes ought to be paied, or his deputie or seruant, to view and set their said tithes to be iustly and truely set forth and seuered from the iv. parts, and the same quietly to take

take and carie away.

6 And if any person carie away his corne, or hay, or his other prediall tithes, before the tithe thereof be set forth, or willingly withdraw his tithes of the same, or of such other things, whereof prediall tithes ought to be paied, or do stop or let the Parson, Vicar, proprietorie, owner, or other their deputies, or farmors, to view, take, or carrie away their tithes, as is aboueſaid, by reason whereof the said tithe or tenth is lost, impaired, or hurt: that then vpon due proofe thereof made before the spirituall Judge, or any other Judge, to whom heretofore he might haue made complaint, the partie so carying away, withdrawing, letting, or stopping, shall pay the double value of the tenth or tithe, so taken, lost, withdrawen, or caried away, ouer and besides the costes, charges, & expences of the suit in the same, the same to be recouered before the ecclesiasticall Judge, according to the kings ecclesiasticall Lawes.

7 And be it further enacted by the authoritie aforesaid, that all and euerie person which hath, or shal haue any beasts, or other cattel tithable, going, feeding, or depasturing in any waste or common ground, whereof the parish is not certainly knowen, shal pay their tithes for the increase of the said cattel so going in the said waste, or common, to the Parson, Vicar, proprietorie, porcionarie, owner, or other their farmors, or deputies of

the

the Parish, Hamlet, Towne, or other place, where the owner of the said cattell inhabiteth or dwelleth.

8 Prouided alwaies, & be it enacted by the authoritie aforesaid, that no person shall be sued, or otherwise compelled to yeld, giue, or pay any maner of tithes, for any manors, lands, tenements, or hereditaments, which by the lawes & statutes of this Realme, or by any priuiledge, or prescription, are not chargeable with the payment of any such tithes, or that be discharged by any composition reall. [See before 31. H. 8. cap. 13.]

9 Prouided alwaies, and be it enacted by the authority aforesaid, that all such barren, heath, or waste ground (other then such as be discharged for the payment of tithes by act of parliament) which before this time haue lien barren, & paied no tithes, by reason of the same barrennes, & now be, or hereafter shall be improued & conuerted into arrable ground or meadow, shall from henceforth, after the end & terme of vij. yeares, next after such improuement, fully ended & determined, pay tithe for the Corne & Hay growing vpon the same: any thing in this act to the contrary in any wise notwithstanding.

10 Prouided alwaies, and be it enacted by the authoritie aforesaid, that if any such barren, waste, or heath ground, hath before this time been charged with the payment of any Tithes, and that the same be hereafter improued & conuerted into arrable ground,

or meadow: that then the owner or owners thereof, shall during vij. yeares next ensuing, from & after the same improvement pay such kind of tithe as was paied for the same before the said improvement: any thing in this act to the contrarie in any wise notwithstanding.

11 And be it also further enacted by authoritie aforesaid, that everie person exercising merchandises, bargaining and selling clothing, handicraft, or other art or facultie, being such kind of persons, & in such places as heretofore within these xl. yeres have accustomably used to pay such personable tythes, or of right ought to pay, other then such as been common day laborers, shall yearely at, or before the feast of Easter, pay for his personall tithes, the tenth part of his clere gaines, his charges & expenses, according to his estate, condition, or degree, to be therin abated, allowed, and deducted.

12 Provided always, & be it enacted, that in all such places where handy crafftes men have used to pay their tithes within these xl. yeares, the same custome of paiment of tythes to be observed and to continue: any thing in this act to the contrarie notwithstanding.

13 And be it also enacted by the authoritie aforesaid, that if any person refuse to pay his personall tithes in forme aforesaid: that then it shalbe lawfull to the Ordinaries of ye same diocesse, where the party, that so ought to

pay

pay the said tithes) is dwelling, to call the same partie before him, & by his discretion to examin him by all lawfull and reasonable meanes, other then by the parties owne corporate othe, concerning the true payment of the said parsonall tithes.

14 Prouided alwaies, and be it enacted by the authoritie aforesaid, that all & euery person and persons, which by the lawes or customes of this realme ought to make or pay their offerings, shal yerely from henceforth, well & truely content & pay, his or their offrings to the Parson, vicar, proprietorie, or their deputies or fermers, of the parish or parishes where it shall fortune or happen him or them to dwell or abide: & that at such iiij. offring daies, as at any time heretofore within the space of iiij. yeres last past, hath bin vsed & accustomed for the paiment of the same, & in defaute thereof, to pay for their said offrings at Easter then next following.

15 Prouided also, and be it enacted by the authoritie aforesaid, that this act or any thing therein contenued, shal not extend to any parish, which stands vpon, & towards the sea coasts, the commodities and occupying whereof consisteth chiefly in fishing, & haue by reason thereof, vsed to satisfie their tithes by fish, but that all & euery such parish & parishes shall hereafter pay their tithes, according to the laudable customes, as they haue heretofore of ancient time within these xl. yeares, vsed & accustomed, and shal pay their

offrings

offrings, as is aforesaid.

16 Prouided alwaies, and be it enacted by the authoritie aforesaid, that this act, or any thing therein conteined, shall not extend in any wise to the Inhabitants of the Citie of London, and Canterbury, & the suburbes of the same, ne to any other town or place, that hath bied to pay their Tithes by their houses, otherwise then they ought, or should haue done before the making of this act: any thing conteined in this Act, to the contrarie in any wise notwithstanding. [See 27. H. 8. ca. 21. & 37. H. 8 ca. 12. and the decree thereupon in the Collection of Statutes, Tithes 6. & 9.]

17 And be it further enacted by the authoritie aforesaid, that if any person do subtract, or withdraw any maner of tithes, obuentions, profites, commodities, or other duties before mēcioned, or any part of them, contrarie to the true meaning of this act, or of any other act heretofore made: that then the partie so subtracting, or withdrawing the same, may or shall be conuented and sued in the kings ecclesiasticall court, by the partie from whom the same shall be subtracted or withdrawen, to thintent the kings iudge ecclesiasticall shall and may then and there heare & determin the same, according to the kings ecclesiasticall Lawes.

18 And that it shal not be lawfull vnto the Parson, vicar, proprietarie, owner, or other their farmors, or deputies, contrarie to this

act,

act, to conuent, or sue such withholder of tithes, obuēcions, or other duties aforesaid, before any other Iudge then ecclesiasticall.

19 And if any Archbishop, bishops, chancelor, or other Iudge ecclesiasticall, giue any sentence in the foresaid causes of tithes, obuentions, profites, emoluments, and other duties aforesaid, or in any of them, & (no appeal ne prohibition hanging) the party condempned do not obey the said sentence: that then it shall be lawfull to euery such Iudge ecclesiasticall, to excommunicate the said party, so as afore condempned, & disobeying: in the which sentēce of excommunication, if the said party excōmunicate wilfully stand, and endure still excommunicate by the space of fortie daies next after, vpon denunciation and publication thereof, in the Parish Church, or the place or Parish where the party so excommunicate is dwelling or most abiding, the said Iudge ecclesiasticall, may then at his pleasure signifie vnto the king into his court of Chaunery, of the state & condition of the said partie so excommunicate, and thereupon to require processe De excommunicato capiendo, to be awarded against euery such person as hath been so excommunicate.

20 Be it further enacted by the authoritie aforesaid, that if any party at any time hereafter, for any matter or cause before rehearsed, limitted, or appointed by this act, to be sued or determined in ye kings ecclesiasticall

Court,

Court, or before the ecclesiastical Judge, do sue for any prohibition in any of the kings courts, where prohibitions before this time have been vsed to be graunted: that then in every such case, the same partie before any prohibition shalbe graunted to him or them, shall bring & deliuer to the hands of some of the Justices or Judges of the same Court where such partie demaunded prohibition, the very true copie of the Libell depending in the ecclesiasticall Court, concerning the matter wherefore the party demandeth prohibition, subscribed or marked with the hand of the same partie: & vnder the copy of the said libell, shall be written the suggestion, wherefore the partie so demandeth the said prohibition: and in case the said suggestion, by two honest & sufficient witnesses at the least, be not proued true in the court where the said prohibition shal be so granted, within vj. Monethes next followiug after the said prohibition shalbe so graunted & awarded: that then the partie that is letted or hindered of his or their suit in the ecclesiasticall Court by such prohibition, shal vpon his or their request & suit, without delay haue a Consultation graunted in the same case in the court, where the said Prohibition was graunted, & shal also recouer double costes & damages against the partie that so pursued the said Prohibition, the said costes & damages to be assigned or assessed by the Court where the said Consultation shall be

so

so graunted, for which costes & damages the partie to whom they shall be awarded, may haue an action of debt, by bill, plaint, or information in any of the kings Courts of record, wherein the defendant shall not wage his or their law, nor haue any essoine, or protection allowed or admitted.

21 Prouided alwaies, and be it enacted by the authoritie aforesaid, that this act or any thing therein contayned, shall not extend to giue any Minister or Iudge ecclesiasticall any iurisdiction to hold plea of any matter, cause, or thing being contrary or repugnant to, or against the effect, intent, or meaning of the statute of Westminster ij. the v. cap. the statutes of Articuli Cleri, Circumspectè agatis, Silua cedua, the Treatise de Regia prohibitione, ne against the statute of Ann primo Edw. 3. the x. chapter, or any of them, ne yet hold plea in any matter whereof the kings Court of right ought to haue iurisdiction: any thing herein conteined to the contrary in any wise notwithstanding.

22 Prouided neuertheleſſe, where heretofore such a custome hath bin in many parts of wales, that of such cattell & other goods as hath been giuen with the mariage of any person, their tithes haue been exacted & leuied by the parsons & curates in those parts, which custome being dissonant from any part of this Realme, as it seemed when the said Countrey of wales, was through ciuil dissention vnciuiled, for want of other suffi-

cient profits, that might otherwise grow to the Curates & Ministers there, to have been for that time tollerable, so now ye countrey being well manured & husbanded, and that tithe is duely paied there of corne, hay, wooll and cheese, and of other increase of all maner of cattell, as it is commonly in all other partes of this Realme, the same custome seemes to be grieuous and vnreasonable, specially where the benefices are vnsufficient for the finding of the said Ministers and Curates: That it be therefore enacted by the authoritie aforesaid, that from and after the first day of May next comming, no such tithes of mariage goods be exacted or required of any person within the said dominion of Wales, or Marches of the same: any thing in this act contyned, or any other act, custome, prescription, had, or made to the contrary hereof, notwithstanding.

An act for the limitation of prescription in certaine cases made in the second Session of the first parliament 1. M. ca. 5.

Limitation 3.

THe said former act made in the said xxvij yeare of the raigne of the said late king Henry, [which is before 32. H. 8. cap. 2. Limitataton 3.] or any article, clause, sentence, or matter therein conteined, shall not extend

extend to any writ of right of Advowson, Quare impedit, or assise of Darrein presentment, or Iure patronatus, nor to any writ of right of ward, writ of Ravishment of ward, for the wardship of the body, or for ye wardship of any castels, honors, manors, lands, tenements, or hereditaments holden by knights seruice, nor to ye seiser of the wardship of the bodie of any ward or wardes, or to the seiser or wardship of any castels, honors, manors, lands, tenements, or hereditaments holden by knights seruice, but that all & euery person & persons, podies politike and corporate, their heires and successours, the heires and successors of euerie of them shall and may haue, maintaine, and pursue, all and singuler the said writs of right of Advowson, Quar impedit, assise of Darreine presentment, Iure patronatus, writs of right of ward, Ravishment of ward, and also seise the wardship both of the bodie, and of the castels, honors, manors, lands, tenements & hereditaments holden by knights seruice, in like maner & forme, to al intents, constructions & purposes, as they or any of them should or might haue done, made, or pursued before the making of the said act, made in the said xxxij. yeare ca. 2. as though the same act had neuer bin had or made: any thing in the said former act to the contrarie notwithstanding.

An act against Fraudulent deedes, gifts, graunts, alienations, &c. Anno 13. Eliz. cap. 5.

Fraudulent deedes 1.

FOr the auoyding and abolishing of feyned, conenous, and fraudulent feoffements, gifts, graunts, alienations, conueyances, bonds, suits, iudgements, and executions, aswell of lands and tenements, as of goods and catteis, more commonly vsed & practised in these daies, then hath been seene and heard of heretofore: which feoffements, giftes, graunts, alienations, conueiances, bondes, suites, iudgements, and executions, haue been and are deuised and contriued of malice, fraud, couin, collusion, or guile, to the end, purpose, and intent, to delay, hinder, or defraud creditours, and others of their iust and lawfull actions, suits, debts, accompts, damnages, penalties, forfaitures, heriots, mortuaries, and reliefes, not onely to the let or hinderance of the due course and execution of law and iustice, but also to the ouerthrow of all true and plaine dealing, bargaining and chemisance, betweene man and man, without the which no common wealth or ciuill societie can be maintained or continued.

2 Be it therefore declared, ordeined and enacted by authority of this present parliament, that all and euery feoffement, gift, graunt,

graunt, alienation, bargaine, & conueyance of lands, tenements, hereditaments, goods, and cattels, or of any of them, or of any lease, rent, common, or other profit or charge out of the same lands, tenements, hereditaments, goods, & cattels, or any of them, by writing or otherwise.

3 And all and euery bond, suit, iudgement, and execution, at any time had or made sithence the beginning of the Quenes Maiesties raigne that now is, or at any time hereafter to be had or made, to, or for any intent or purpose, before declared and expressed, shall be from henceforth deemed and taken (onely as against that person or persons, his or their heires, successors, executors, administrators, and assignes, & euery of them, whose actions, suits, debtes, accompts, dammages, penalties, forfaitures, heriots, mortuaries, and reliefes, by such guylfull, couenous, or fraudueint deuises and practises, as is aforesaid, are, shall, or mought be in any wise disturbed, hindered, delayed, or defauded) to be clearely and vtterly voide, frustrate and of none effect: any pretence, colour, fayned consideration, expressing of vse, or any other matter or thing to the contrarie notwithstanding.

4 And be it further enacted by thauthoritie aforesaid, that all and euery the parties to such fayned, couenous, or fraudulent feoffement, gift, graunt, alienation, bargaine, conueyance, bondes, suites, iudge-

ments, executions, and other things before expressed, or being priuie & knowing of the same, or any of them, which at any time after the tenth day of June next comming, shall wittingly, and willingly put in vse, auow, maintain, iustifie, or defend the same, or any of them, as true, simple, and done, had, or made, bona fide, and vpon good consideration, or shall alien, or assigne any the lands, tenements, goods, leases, or other things before mentioned, to him or them conueyed, as is aforesaid, or any part thereof, shall incurre the penaltie & forfaiture of one yeres value of the said lands, tenemēts, and hereditaments, leases, rents, commons, or other profits, of, or out of the same, and the whole value of the said goods and catteis, and also so much money, as are, or shall be conteyned in any such couenous and fayned bond: The one moitie whereof to be to the Quenes Maiestie, her heires & successors, and thother moitie to the partie or parties grieued by such fayned and fraudulent feoffement, gift, graunt, alienation, bargaine, conueyance, bondes, suites, iudgements, executions, leases, rents, commons, profites, charges, and other things aforesaid, to be recouered in any of the Quenes Courts of Record, by action of debt, bill, plaint, or information, wherein none essoine, protection, or wager of law shall be admitted for the defendant or defendants, and also being thereof lawfully conuicted,

shall

shall suffer imprisonment for one halfe yeare without baile or mainprise.

5 Prouided alwayes, and be it further enacted by the authoritie aforesaid, that whereas sundrie common Recoueries of lands, tenements, and hereditaments haue heretofore been had, and hereafter may be had against tenant in taile, or other tenant of the freehold, the reuersion, or remainder, or the right of reuersion, or remainder then being in any other person or persons, that euery such common recouerie heretofore had, and hereafter to be had of any lands, tenements, or hereditaments, shal as touching such person and persons, which then had any remainder or reuersion, or right of remainder or reuersion, and against the heires of euery of them, stand, remaine, and be of such like force and effect, and of none other, as the same should haue been, if this Act had neuer been had ne made.

6 Prouided alwayes, and be it further enacted by thauthoritie aforesaid, that this Act, or any thing therein conteined, shall not extend to make void any estate or cõuciance, by reason whereof any person or persons shall vse any voucher in any writ of Formedon now depending, or hereafter to be depending, but that all & euery such vouchers in any writ of Formedon, shall stand and be in like force & effect, as if this act had neuer

been had ne made: any thing before in this act conteyned, to the contrary notwithstanding.

6 Provided also, and be it enacted by the authoritie aforesaid, that this act, or any thing therein contained, shall not extende to any estate or interest in lands, tenements, hereditamẽts, leases, rents, commons, profites, goods or cattels, had, made, conveyed, or assured, or hereafter to be had, made, conveyed, or assured, which estate or interest, is or shall be vpon good consideration, & bona fide lawfully conveyed or assured to any person or persons, or bodies politike or corporate, not having at the time of such conveyance or assurance to them made, any maner of notice or knowledge of such covyn, fraude, or collusion, as is aforesaid: any thing before mencioned to the contrarie hereof notwithstanding. This act to endure vnto the end of the first Session of the next parliament, and Anno 14. Eliz. cap. 4. continued vnto the end of the next parliament, and 27. Eliz. ca. 11. continued vnto the end of the next parliament, and Anno 29. Eliz. cap. 5. made perpetuall.

An act

An Act that the exemplification or constat of Letters Patents, shall be as good and availeable, as the letters Patents themselues. An 13. Eliz. cap. 6.

Graunts 3.

FOr the auoyding of all such doubts, questions, & ambiguities, as hertofore haue risen and been moued, & of such as hereafter might rise & be moued, in and vpon the statute made in the parliament begun and holden at West. the iiij. day of Nouember, in the third yeare of the raigne of our late soueraigne Lord king Edward the first, intitled act concerning graunts and gifts, made by patentees, out of letters patents, [which is 3. Ed. 6. cap. 4. Graunts 2.] and for a due and full supply of all such wants as may be thought to be therein.

2 We it enacted & declared by the authoritie of this present parliament, that all and euery patentee any patentees, their heires, successours, executors, & assignes, and all & euery other person and persons, hauing by, or from them, or any of them, or vnder their title, any estate or interest, of, in, or to any landes, tenements, or hereditaments, or any other thing whatsoeuer, to such patentee or patentees heretofore granted by any letters patents, either of the most famous princes king Henry the eight, king Edward the first, Queen Mary, king Philip & Queene Mary, or by any of them, or by the Queens

most

most excellent Maiestie that now is, at any time sithence the iiij. day of February, in the xxbij. yere of the raigne of the said late king Henry the eight, or els by the Queenes Maiestie that now is, her heires or successours, at any time hereafter to be graunted, shall and may at all times hereafter, in any of the Queens highnes Courts, her heires or successors, and els where, by the authoritie of this present act, make and conuey, and be allowed and suffered to make & conuey, to and for him, them, & euery of them seiues, such claime, or title, by way of declaration, plaint, answere, barre, replication, or other pleading whatsoeuer, aswell against the Queenes highnes, her heires & successors, and euery of them, as against all and euery other person and persons whatsoeuer, for or concerning the lands, tenements, hereditaments, or other things whatsoeuer, specified or conteined in any such letters Patents, or of, for, or concerning any part or parcel thereof, by shewing forth an exemplification or constat, vnder the great seale of England, of the inrolment of the same letters patents, or of so much therof, as shall & may serue, to or for such title, claime, or matter, the same letters patents then being & remayning in force, not lawfully surrendred, nor cancelled, for or concerning so much, & such part and parcell of such lands, tenements, hereditaments, or other thing, whereunto such title or claime shall be made, as if the same letters

Patents selfe were pleaded & shewed forth: any law, vsage, or other thing, whatsoeuer to the contrary notwithstanding.

An act against Vsurie, Ań 13. Eliz. cap. 8.

Vsurie 3.

WHereas in the Parliament holden the xxxvij. yeare of the raigne of our late soueraigne Lord king Henrie the eight of famous memory [cap. 6. Vsurie 6.] there was then made and established one good act for the reformation of Vsurie, by which act the vice of vsury was wel repressed, and especially the corrupt cheuisance & bargaining by way of sale of wares, & shifts of interest. And yet since that time by one other act made in the 5. and 6. yeares of the raign of our late soueraign Lord king Edward the 6. [ca. 20.] the said former act was repealed, and new Prouisoes for repressing of vsury deuised & enacted: which said latter act hath not done so much good, as was hoped it should, but rather the said vice of Vsurie, & specially by way of sale of wares, and shiftes of interest, hath much more exceedingly abounded, to the vtter vndoing of many Gentlemen, Merchants, occupiers, & other, & to the importable hurt of the common wealth, aswel for that in the said latter Act there is no prouision against such corrupt shiftes, and sales of wares, as also for that there is no differēce of pain, forfaiture,

or

or punishment, vpon the greater or lesser exactions & oppressions, by reason of lones vpon Vsurie: Be it therefore enacted, that the said later statute made in the 5. and 6. peares of the raigne of king Edward the 6. [cap. 20.] and euery braunch and article of the same, from & after the xxv. day of June next comming, shall be vtterly abrogated, repealed, and made void. And that the said Act made in the said xxxviij. peare of king Henry the 8. [cap. 6.] from & after the said xxv. day of June next comming shal be reuiued, & stand in full force, strength & effect.

2 And be it further enacted, that al bonds, contracts, & assurances, collateral, or other, to be made for payment of any principall, or money to be lent, or couenant to be performed, vpon, or for any Vsurie, in lending or doing of any thing against the said act now reuiued, vpon, or by which lone, or doing, there shall be reserued or taken aboue the rate of x. pounds for the hundred for one peare, shall be vtterly void.

3 And be it further enacted, that all Brokers, solicitors, and briuers of bargaines, for contractes, or other doings against the said Statute now reuiued, whereupon shal be reserued or taken more then after the rate of x.li. for the loan of a C.li. for a peare, shal be to all intents and purposes, iudged, punished, & vsed, as counsellours, attournies, or aduocates, in any case of Premunire.

4 And forasmuch as all Vsurie being forbidden

bidden by the Law of God, is sinne & detestable: Be it enacted, that all Vsury, loan, and forbearing of Money, or giuing dayes for forbearing of money by way of loan, chevisance, shiftes, sale of wares, contract, or other doings whatsoeuer for gaine, mentioned in the said statute which is now reuiued, whereupon is not reserued, or taken, or couenanted to be reserued, paied, or giuen to the lender, contracter, shifter, forbearer, or deliuerer, aboue the summe of x. pounds, for the loan or forbearing of a C. pound for one yeare, or after the rate, for a more or lesser summe, or time, shall be from the xxv. day of Iune next comming, punished in forme following, that is to say: That euery such offendour against this braunch of this present statute, shall forfait so much as shall be reserued by way of vsury, aboue the principall, for any money so to be lent or forborne. All such forfaitures to be recouered and imployed, as is limitted for forfaitures by the said former Statute now reuiued.

5 And be it further enacted, that Iustices of Olee & terminer, and Iustices of assise in their circuites, Iustices of peace in their Sessions, Maiors, Shirifes, & Bayliffes of Cities, shall also haue full power & authoritie to inquire, heare, and determine, of all and singuler offences committed against the said statute now reuiued.

6 And be it further enacted, that the said Statute now reuiued, shall be most largely

and

and strongly construed for the repressing of vsury, & against all persons that shal offend against the true meaning of the said statute by any way or deuise, directly or indirectly.

7 Prouided alway, that this statute doth not extend, nor shall be expounded to extend vnto any allowances or payments for the finding of Orphanes, according to the auncient rates or customes of the Citie of London, or any other Citie where like order is for the custodie of Orphanes & their goods, as in the said Citie of London.

8 Prouided alwayes, and be it further enacted by the authoritie aforesaid, that if any person or persons, shall from & after the said xxb. day of June, offend contrary to the said statut reuiued by this present act made in the 37. yeare of the raigne of the said late king Henry the 8. [cap. 6.] that then all and euery such offendor and offendors, shall and may also be punished & corrected, according to the Ecclesiasticall Lawes heretofore made against Vsurie. And that all & euery person & persons offending in vsurie, shifts, or cheuisance against this present act, & not taking or receiuing, but onely after the rate of x. pounds in the hundred, or vnder, for a yeare, shall be onely punished by the paines & forfaitures prouided & appointed by this Act against such as shall not take or receiue ouer and aboue the rate of x. pounds in the hundred for a yeare, and not otherwise.

9 This Act to continue and endure, for

and

and during the space of fiue yeares, next after the end of this present Parliament, and from thence vnto the end of the first Session of the Parliament then next ensuing.

10 And be it further enacted by the authority aforesaid, that if this present act shall not be continued in the first Session of the Parliament next ensuing the said terme of fiue yeares: And then in the same Session no other statute or prouision made against Vsurie, or corrupt chenisance, That then all & euery the lawes & statutes repealed by this act, shall remaine & be of such like force & effect, as if this present act had neuer been had ne made [See 5. Ed. 6. cap. 20.] This statute of 13. Eliz. is continued by 27. Eliz. ca. 11. to the end of the next Parliament.

An act against fraudes, defeating remedies for dilapidations of Ecclesiasticall lyuings, and for Leases to be graunted by collegiate Churches, An 13. Eliz. cap. 10.

Leases 2.

FOr that long and vnreasonable Leases made by Colledges, Deane & Chapters, Parsons, Vicars, & other hauing spiritual promotions, be the chiefest causes of dilapidations, & the decay of all spiritual lyuings & hospitality, & vtter impouerishing of all successours, Incumbents in the same. Be it enacted by the authoritie aforesaid, that

that from henceforth all Leases, gifts, graunts, feoffements, conueyances, or estates to be made, had, done, or suffered, by any Master & Fellowes of any Colledge, Deane & Chapter of any Cathedrall or collegiat church, master or gardian of any hospitall, parson, vicar, or any other hauing any spiritual or ecclesiastical liuing, or any houses, lands, tithes, tenements, or other hereditaments, being any parcell of the possessions of any such colledge, cathedrall church, chapter, hospitall, parsonage, vicarage, or other spiritual promotion, or any waies appertaining or belonging to the same, or to any of them, to any person or persons, bodies politike or corporat (other then for ye terme of xxj. yeres, or three liues, from the time as any such leas or grant shalbe made or granted, wherupon the accustomed yearely rent or more shalbe reserued & payable yerely during the said terme) shall be vtterly void & of none effect to all intents, constructions, and purposes: any law custome, or vsage, to the contrarie any wayes notwithstanding.

2 Prouided neuertheleſſe, and be it enacted by authority aforesaid, that this act, nor any thing therein conteyned, shall be taken or construed, to make good any lease, or other graunt to be made by any such colledge, or collegiat Church, within either of both the Vniuersities of Oxford and Cambridge, or elsewhere, within the Realme of England, for more yeares then are limitted by the vni-

uate statutes of the same Colledge.

3 Prouided alwaies, that this act shal not extend to any lease hereafter to be made vpon surrender of any lease heretofore made, or by reason of any couenant or condition, contained in any lease heretofore made, & now continuing, so that the lease to be made do not conteine more yeres then the residue of the yeares of the former lease now continuing shalbe, at the time of such lease hereafter to be made, nor any lesse rent then is reserued in the said former lease. [See a statute made 1. El. which is vnprinted, concerning exchanges to be had between the Queenes maiesty, & Bishops, what leases & assurances Bishops may make, Leases 4. See also one other statute made the said 13. yere, cap. 20. Leases 5. And certaine braunches of the statute made 14. Eliz. cap. 11. touching leases, & charges by such incũbents, & the other matters of this statut: which are omitted, because they are not yet perpetuall.

An act for the auoiding of Recoueries suffred by collusion by tenants for terme of life, and such others, An 14. Eliz. cap. 8.

Recoueries 3.

WHere diuers persons being seised, or that had bin seised of lands, tenements & hereditaments, as tenants by the curtesie of England, tenants in taile after possibilitie of issue extinct, or

otherwise, onely for terme of life, or lines, or of estates determinable vpon life, or lines, haue heretofore permitted & suffered, other persons, by agreement or couyn betweene them had, to recouer the same lands, & tenements, & other hereditaments, against the same particuler tenants, in the Q. Maiesties court, or haue permitted & suffred thēselues to be vouched by other persons, by agreement or couyn betweene them had in recoueries suffered of the same lands, tenements, & other hereditamēts, in the Q. Maiesties court, to the great preiudice of those to whom the reuersion or remainder thereof hath appertayned, or ought to appertaine.

2 For remedy whereof, be it enacted by the Queenes most excellent Maiestie, with the assent of the Lords spirituall and temporall, & the commons in this present parliament assembled, & by authoritiy of the same, that all such recoueries, hereafter to be had or prosecuted, by agreement of the parties, or by couyn, as is aforesaid, against any such particuler tenaunt, of any lands, tenements, or hereditaments, whereof the same particuler tenant is, or hereafter shall be seised of any such particuler estate, as is aforesaid, or against any other with voucher ouer of any such particuler tenaunt, or of any hauing, or that had right or title to any such particuler estate or tenauncie, as is aforesaid, shall from henceforth, as against such person or persons to whom any reuersion or re-

remainder thereof, by force of any conuey-ance or deuise, before that time had or made, shall, ought, or lawfully may appertaine, and against their heires and successors, be cleerely & vtterly void & of none effect: any law or vsage heretofore had to the contrarie thereof in any wise notwithstanding.

3 Prouided alway, that this Act, nor any thing therin contained, shal not extend, or be preiudicial to any person or persõs, that shal hereafter by good title, recouer any lands, tenemẽts, or hereditaments, without fraud or couyn, by reason of any former right, or title, but that all & euery such recouerie & recoueries, so to be had or prosecuted vpon former rights, or titles, shal stand & be in like force, strength, & effect, as they were before ỹ making of this act: any thing herein contained to the contrary in any wise notwithstãding.

4 Prouided also, that all & euery such recouerie & recoueries, to be had or prosecuted of any lands, tenements, or hereditaments, as aforesaid, by the assent & agreement of any person or persons, to whom any reuersion or remainder thereof then shal or ought to appertain (so that the same assent & agreement do appeare of record in any Court of our soueraigne Lady the Queenes Maiestie, her heires or successors) shall stand & be in like force, strength, & of like effect, against such person & persons that shall so assent & agree, their heires & successors, as they were before the making of this Act; any thing

herein contained to the contrary, in any wise notwithstanding.

5 Be it further enacted by the authoritie aforesaid, that one Act made in the 32. yeare of our late soueraigne Lord king Henry the eight, intituled, An act for the auoyding of Recoueries by collusions by tenants for terme of life, [An 32. H. 8. cap. 31.] shall be from the first day of July next insuing repealed, and shall no longer stand in force.

An act declaring that the Tenant and Defendant may haue a *Tales de circumstantibus*, aswell as the demaundant or plaintife, An 14. Eliz. cap. 9.

Iurours 20.

FOr the auoyding of great & chargeable delayes oftentimes hapning vnto Tenants and defendants, Be it enacted, that in all cases where as the party plaintife or demandant by any statute heretofore made, may haue vpon his or their request made vnto ye Justices of Nisi prius, within this Realme of England, or to the Justices of Oier, or of Assises, of the xii. Shires of Wales, & the County Palantines of Lancaster, & Durham, a Tales de circumstantibus, that in all and euery such case & cases, the party & parties, tenants, actors, auowants, and defendants (if the plaintifes or demaundants shall vpon the calling of the principall panell or Jury, forbeare or refuse

to

to pray the same) shall & may vpon his or their request or desire, haue vpon the same record, & by the same Justices, the Tales or Talesses vnto them granted, in like maner, forme, & degree, to all respects & purposes, as the plaintife or demandant in any suit or action may haue the same by any statute or ordinance heretofore made or set forth, & the rather for the speedy triall of the issue and issues ioyned, or hereafter to be ioyned in any plee, suit, or action: any law, custome, vsage heretofore vsed to the contrarie thereof in any wise notwithstanding.

¶ Prouided also, & be it further enacted by the authoritie aforesaid, that al populer actions, informations, billes, or suits, commenced or had, or hereafter to be commenced or had in any the Queenes Maiesties courts of record, vpon any penal lawes or statutes wherein any person doth, or shal sue, or prosecute, or informe, as well for the Queenes Maiesty, her heires, and successours, as for himselfe, whereupon issue is or shall be ioyned to be tried by the countrey, that therein the partie defendaunt or defendaunts shal be admitted to pray and haue a tales de circumstantibus, as in other cases aforesaid. See touching Iurours de circumstantibus 35. H. 8. cap. 6. Iurours 17. made perpetuall 2. Edw. 6. cap. 32. & 4. & 5. P. and M. cap. 7. Iurours 18. & 5. Eliz. cap. 25. Iurours 19.

An act against couenous and fraudulent conueyances, Añ 27. Eliz. cap. 4.

Fraudulent deedes 3.

FOr remedy of which inconueniences, and for the auoyding of fraudulent, fayned, & couenous conueyances, gyftes, graunts, charges, vses, and estates, & for the maintenance of vpright and iust dealing in the purchasing of lands, tenements, & hereditaments: Be it ordeined & enacted by the authoritie of this present parliament, that all & euery conueiance, graunt, charge, lease, estate, incumbrance, and limitation of vse or vses, of, in, or out of any lands, tenements, or other hereditaments whatsoeuer, had or made any time heretofore sithence the beginning of the Queenes Maiesties raigne that now is, or at any time hereafter to be had or made, for the intent, & of purpose to defraud and deceiue such person or persons, bodies politike or corporat, as haue purchased, or shall afterwards purchase in fee simple, fee taile, for life, liues, or yeares, the same lands, tenements, & hereditaments, or any part or parcell thereof, so formerly conueied, graunted, leased, charged, incumbred, or limitted in vse, or to defraud & deceiue such as haue, or shall purchase any rent, profite, or commodity, in, or out of the same, or any part thereof, shall be deemed & taken onely as against that person & persons, bodies politike

and

and corporat, his, & their heires, successors, executors, administrators, & assignes, & against all & euery other person or persons lawfully hauing or claiming, by, from, or vnder them, or any of thē, which haue purchased, or shall hereafter so purchase for money, or other good consideration the same lands, tenements, or hereditaments, or any part or parcel thereof, or any rent, profit, or cōmoditie, in, or out of the same, to be vtterly void, frustrate, & of none effect: any pretēce, color, fained, cōsideration, or expressing of any vse or vses to the contrarie notwithstanding.

2 And be it further enacted by the authoritie aforesaid, that all and euery the parties to such fained, couenous, and fraudulent giftes, graunts, leases, charges, or conueyances before expressed, or being priuie and knowing of the same, or any of them which after the xx. day of April next comming, shal wittingly and willing put in vse, auow, maintaine, iustifie, or defend the same, or any of them, as true, simple, and done, had, or made bona fide, or vpon good consideration, to the disturbance or hinderance of the said purchaser, or purchasers, lessees, or graunteés, or, of, or to the disturbance or hinderance of their heires, successors, executors, administrators, or assignes, or such as haue, or shall lawfully claime any thing, by, from, or vnder them, or any of them, shall incurre the penaltie & forfaiture of one yeres value of the said lands, tenements, & here-

ditaments so purchased or charged: The one moitie whereof to be to the Queenes Maiestie, her heires and successors, and the other moitie to the partie or parties grieued by such fayned and fraudulent gift, graunt, lease, conueyance, incumbrance, or limitation of vse, to be recouered in any of the Queenes Courts of record, by action of debt, bill, plaint, or information, wherein no essoine, protection, or wager of law, shall be admitted for the defendant or defendants; and also being thereof lawfully conuicted, shal suffer imprisonment for one halfe yeare without baile or mainprise.

3 Prouided also, and be it enacted by the authoritie aforesaid, that this Act, or any thing therein contained, shall not extende or be construed to impeach, defeat, make void, or frustrate any conueyance, assignement of lease, assurance, graunt, charge, lease, estate, interest, or limitation of vse, or vses, of, in, to, or out of any lands, tenements, or hereditaments heretofore at any time had or made, or hereafter to be had or made, vpon or for good consideration, and bona fide, to any person or persons, bodies politike or corporate: any thing before mencioned to the contrarie hereof notwithstanding.

4 And be it further enacted by the authoritie aforesaid, that if any person or persons, haue heretofore sithence the beginning of the Queenes Maiesties raigne that now is, made, or hereafter shall make, any con-

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ueyance, gift, graunt, demise, charge, limitation of vse, or vses, or assurance, of, in, or out of any lands, tenements, or hereditaments, with any clause, prouision, article, or condition of reuocation, determination, or alteration, at his or their will or pleasure, of such conueyance, assurance, graunts, limitations of vses or estates, of, in, or out of the said lands, tenements, or hereditaments, or of, in, or out of any part or parcell of them, contayned or mencioned in any writing, deede, or indenture of such assurance, conueyance, graunt, or gift, and after such conueyance, graunt, gift, demise, charge, limitation of vses, or assurance so made, or had, shall or do bargaine, sell, demise, graunt, conuey, or charge the same lands, tenements, or hereditaments, or any part or parcel therof, to any person or persons, bodies politique or corporate, for money or other good consideration, paied, or giuen, the said first conueyance, assurance, gift, graunt, demise, charge, or limitation, not by him or them reuoked, made void, or altered, according to the power and authoritie reserued or expressed vnto him, or them, in, and by the said secret conueyance, assuraunce, gift, or graunt: That then the said former conueyance, assurance, gift, demise, and graunt, as touching the said lands, tenements, and hereditaments so after bargained, sold, conueyed, demised, or charged against the said bargainees, vendees, lessees, grauntees, and

every

euery of them, their heires, successors, executors, administrators, and assignes, and against all and euery person and persons, which haue, shall, or may lawfully claime any thing, by, from, or vnder them, or any of them, shall be deemed, taken, and adiudged to be void, frustrate, and of none effect, by vertue and force of this present Act.

5 Prouided neuertheless, that no lawfull mortgage, made or to be made bona fide, and without fraud or couin, vpon good consideration, shall be impeached or impayred by force of this Act, but shall stand in the like force & effect, as the same should haue done, if this act had neuer bēn had nor made: any thing in this act to the contrary, in any wise notwithstanding.

6 And be it further enacted by the authoritie aforesaid, that all the whole tenour and contents of all Statutes Marchants, and statutes of ye Staple, hereafter to be knowledged, shall within vj Monethes next after such knowledging, be entred in the office of the Clarke of Recognisances, taken according to the Statute made in the xxiij. yeare of the raigne of the late king Henry the viij. by the sheewing forth of the said statute Marchāt, or statute Staple so knowledged vnto the said Clarke, which said Clarke of the Recognisances shall enter, or cause to be entred, the same statutes into a booke for that purpose to be prouided, and safely kept by him, taking viij. pence, and

no

no more for euery such entrie.

7 And be it further enacted, that if the party to whom any such statute Marchant, or of the Staple shall be knowledged, his executors or administrators, do, or shall not within iiij. Monethes next after the knowledging of any such statute, bring & deliuer, or cause to be brought and deliuered vnto the said Clarke, or his deputie or deputies, for the time being, all and euery such statute and statutes, as shall be so knowledged to him, or to his vse, whereby, and to the intent that the said Clarke, his deputie or deputies, may take and enter a true Copie thereof, that then euery such statute Marchant, and of the Staple, not so entred, shall be void, frustrate, and of none effect against all and euery such person and persons, and bodies politique and corporate, their heires, successors, executors, administrators, and assignes, onely, as shall after the knowledging of the said statutes, or any of them, purchase for money, or other good consideration, the lands, tenemẽts, or hereditamẽts, which were liable to the same statute Marchant, or of the Staple, or any part or parcell thereof, or any rent, lease, or profite, of, or out of the same.

8 This Act to continue for the space of ten yeares, and from thenceforth vnto the end of the Parliament then next following.

9 Prouided alwaies, that this act nor any thing therein conteyned, shall not extend, be

bée construed to make good any purchase, graunt, lease, charge, or profite, of, in or out of, any lands, tenements or hereditaments heretofore made voide, defeated, or vndone, by reason of any former conueiance, graunt, or assurance, so as the partie or parties, or their heires or assignes, which haue so defeated or made voide the same, were in actual possession the first day of this present Parliament, of or in the said lands tenements, or hereditaments, whereof, or out of which any such purchase, grãt, lease, charge, or profite was made.

Provided that this act, nor any thing therein contained, shall extend in any sort to restraine or impaire the iurisdiction, power, or authority of the Court of Star chamber.

An Act concerning Errors in Records of Attaindors of high Treason, Añ 29. Eliz. cap. 2.

Treason 6.

FOrasmuch as through corruption or negligent kæping, the records of attaindors of Treason happen many times to be impaired, blemished or otherwise to be defective, Be it ordeined & enacted by the authority of this present parliament, that no record of attaindor that now is, of any person or persons, of, or for any high Treason, where the party so attainted is or hath bin executed for the same treason shall by the

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heire or heires of any such person, or by any other whatsoever claiming in, from by, or vnder, any such heire or heires, be in any wise hereafter reuersed, vndone, auoided, or impeached, by any plea, or for any error whatsoever.

2 Prouided alwaies neuertheleſſe, that this act nor any thing therin contained, shal in any wise extend to any record of attaindor, of, or for any treason vpon which any writ of Error is now depending, or which record is alreadie reuersed, repealed, or vndone, by, or for any error, matter, plea, or cause whatsoever: but that the same shall be and remaine as vnto and against that party, at whose suit the same writ of error is depending, or at whose pursuit the same record hath bin reuersed, repealed, or vndone and his & her heires & assignes onely, as if this act had neuer bin had or made, any thing in this act to the contrary thereof notwithstanding.

An act against abuses in election of Schollers, and presentations to Benefices, An 31. Eliz. cap. 6.

Election 3.

WHere as by the intent of the founders of Colledges, Churches collegiat, churches cathedrall, schooles, hospitals, hals, & other like societies within this Realme, and by the statutes and good orders

orders of the same, the elections, presentations, & nominations of fellowes, scholiers, officers, & other persons to haue room or place in ye same, are to be had & made of the fittest and most meete persons, being capable of the same elections, presentations, and nominations freely, without any reward, gift, or thing giuen or taken for the same: And for the true performance wherof some electors, presentors, & nominators in the same, haue or should take a corporal othe to make their elections, presentations, & nominations accordingly: yet notwithstanding it is seene & found by experience, that the said elections, presentations and nominations, be many times wrought & brought to passe with money, gifts & rewards, wherby the fittest persons to bee elected, presented, or nominated, wanting money or friendes, are seldome or not at all preferred, contrarie to the good meaning of the said founders, and the sayd good statutes and ordinances of the said colledges, churches, schooles, hals, hospitals and societies, and to the great preiudice of learning, and the common wealth & state of this realme.

2 For remedie wherof, be it enacted by the Queens most excellent maiestie, the Lords Spirituall and Temporall, and the commons in this present parliament assembled, and by the authoritie of the same, that if any person or persons, bodies politike or corporate, which haue election, presentation,

or nomination, or voice, or assēt in the choise, election, presentation, or nomination of any fellow, scholler, or any other person, to haue rome or place in any the said churches, colledges, scholes, hospitals, hals, or societies, shall at any time after fortie daies next after the end of this present session of Parliament, haue, receiue, or take any money, fee, reward, or any other profit directly or indirectly, or shall take any promise, agreement, couenant, bond, or other assurance to receiue or haue any mony, fee, reward, or any other profit directly, or indirectly, either to him or themselues, or to any other of their or any of their friends, for his or their voice or voices, assent or assents, or consents, in electing, chosing, presenting, or nominating any officer, fellow, scholler, or other person to haue any rome or place, in any the said churches, colledges, hals, schols, hospitals or societies: that then & from thenceforth, ye place, rome, or office, which such person so offending, shal thē haue in any the said churches, colledges, scholes, hals, hospitals, or societies shall be voide. And that then aswell the M. maiestie, her heires, and successors, and euery other person & persons, or their heires & successors, to whom the presentation, donation, gift, election, or dispensation, shall of right belong or appertain of any such of the said romes or places, of the said person offending as aforesaid, shall or may at their pleasure elect, present, nominate, place or appoint

point any other person or persons, in the roome, office, or place of such person or persons so offending, as if the said person or persons, so offending then were naturally dead.

3 And be it further enacted by the authoritie aforesaid, that if any fellow, officer, or scholler of any the said Churches, colledges, scholes, hals, hospitals, or societies, or other persons hauing roome or place in any of the same, shall at any time hereafter directly, or indirectly, take or receiue, or by any way, deuise, or meanes, contract, or agree to haue, or receiue any money, reward, or profit whatsoeuer, for the leauing or resigning vp of the sams his roome or place for any other to be placed in the same: that then euery person so taking, or contracting, or agreeing to take or haue any thing for the same, shall forfait & lose double the summe of money, or value of the thing so receiued & taken, or agreed to be receyued or taken. And euery person by whom, or for whom any money, gift, or reward as aforesaid, shal be giuen or agreed to be paied, shal be vncapable of that place or roome for that time or turne, and shall not be, nor had, nor taken to be a lawful fellow, scholler, or officer, of any the Churches, colledges, hals, hospitals, scholes, or societies, or to haue such roome or place there: but that they to whom it shall appertaine at any time thereafter, shall and may elect, chose, present, and nominate any

other

other person fit to be elected, presented or nominated into the sayd roome or fellowship as if the said person, by or from whom any such money, gift, or reward, shall be gtnen or agreed to be payed were dead, or had resigned and left the same. And for more sincere election, choise, presentation and nomination of fellowes, scholiers, officers and other persons, to haue roome or place hereafter in any of the said churches colledges, hals, schoies, hospitals, and other like societies,

4 Be it further enacted by the authoritie aforesaid, that at the time of euery such election presentation or nomination hereafter to be had, aswell this present act, as the orders and statuts of the same places concerning such eleation, presentation, or nomination to be had, shall then & there be publikely read, vpon paine that euery person, in whom default thereof shall be, shall forfait and lose the summe of fortie pounds: All which forfaitures shall and may be had and recouered, in any her maieslies courts of recorde, by any person or persons bodies politike and corporate, that will sue for the same by bil, plaint, or action of debt in which no essione, protetation, or weger of law shall be allowed, the one moitie whereof shall be to him or them that will sue for the same, the other moity to the vse of ye sain Church, colledge, hall, hospitall, schole, or societie, where such offence shall be committed. And

for the auoyding of Simonie, and corruption in presentations, collations, and donations, of, & to benefices, dignities, prebends, and other liuings and promotions ecclesiasticall, and in admissions, institutions, and inductions to the same,

5 Be it further enacted by the authoritie aforesaid, that if any person or persons, bodies politike or corporat, shall, or doe at any time after the end of fortie dayes, next after the end of this Session of Parliament, for any summe of money, reward, gift, profit, or benefit, directly or indirectly, or for, or by reason of any promise, agreement, graunt, bond, couenant, or other assurance, of, or for any summe of money, reward, gift, profit, or benefit whatsoeuer, directly or indirectly, present, or collate any person to any benefice with cure of soules, dignitie, prebend, or liuing ecclesiasticall, or giue, or bestow the same, for, or in respect of any such corrupt cause, or consideration, that then euery such presentation, collation, gift, and bestowing, and euery admission, institution, inuesture, and induction thereupon, shall be vtterly void, frustrate, & of none effect in law. And that it shall and may be lawfull, to, and for the Queenes Maiestie, her heires & successors, to present, collate vnto, or giue, or bestow euery such benefice, dignitie, prebend, and liuing ecclesiasticall for that one time or turne onely, and that all & euery person and persons, bodies politike and corporate, that

from

from thencefoꝛth shall giue oꝛ take any such summe of money, reward, gift, oꝛ benefit, directly oꝛ indirectly, oꝛ that shal take oꝛ make any such pꝛomise, graunt, bond, couenant, oꝛ other assurance, shall foꝛfait & lose the double vaine of one yeares pꝛofit of euery such benefice, dignitie, pꝛebend, and liuing ecclesiasticall, and the person so coꝛruptly taking, pꝛocuring, seeking, oꝛ accepting any such benefice, dignitie, pꝛebend, oꝛ liuing, shal thereupon, and from thencefoꝛth be adiudged a disabled person in law to haue oꝛ inioy the same benefice, dignitie, pꝛebend, oꝛ liuing ecclesiasticall.

6 And be it further enacted, that if any person shall at any time after xl. dayes next after the end of this Session of parliament, foꝛ any summe of money, reward, gift, pꝛofit, oꝛ commoditie whatsoeuer, directly oꝛ indirectly, (other then foꝛ the vsuall and lawfull fees) oꝛ foꝛ, oꝛ by reason of any pꝛomise, agreement, graunt, couenant, bond, oꝛ other assurance, of, oꝛ foꝛ any summe of money, reward, gift, pꝛofit, oꝛ benefit whatsoeuer, directly oꝛ indirectly, admit, institute, install, induct, inuest, oꝛ place any person, in, oꝛ to any benefice with cure of soules, dignity, pꝛebēd, oꝛ other liuing ecclesiastical, That then euery such person so offending, shall foꝛfait & lose the double vaine of one yeares pꝛofit, of euery such benefice, dignity, pꝛebēd, & liuing ecclesiasticall. And that thereupon immediatly from & after the inuesting, installation,

or induction thereof had, the same benefice, dignitie, prebend, and liuing ecclesiasticall, shalbe estsones merely void. And that the patron or person to whom the aduowson, gift, presentment, or election shal by law appertaine, shal and may by vertue of this act, present or collate vnto, giue & dispose of the same benefice, dignitie, prebend or liuing ecclesiasticall, in such sort, to all intents & purposes, as if the party so admitted, instituted, installed, inuested, inducted or placed, had bein or were naturally dead.

7 Prouided alwaies, that no title to confer or present by lapse, shall accrue vpon any auoidance mentioned in this act, but after 6. moneths next after notice giuen of such voidance by the ordinary to the patron.

8 And be it further enacted by the authoritie aforesaid, that if any incumbent of any benefice with cure of soules, after thend of the said xi. daies, do, or shal corruptly resigne or exchange the same, or corruptly take, for, or in respect of the resigning, or exchanging of the same, directly or indirectly, any pention, summe of money, or benefit whatsoeuer: that then alwel the giuer as the taker of any such pčtion, sum of mony or benefit corruptly, shal lose double the value of the sum so giuen, taken, or had, the one moity alwell thereof, as of the fort. of double value of one yeres profit before mentioned, to be to the M. maiestie, her heires & successors, and the other moity to him or them that will sue for the same,

same, by action of debt, bill, or information, in any of her Ma. courts of record, in which no essoine, protection, or wager of law, or priuiledge shalbe admitted or allowed.

9 Prouided alwaies, that this act or any thing herein contained, shall not in any wise extend to take away, or restrain any punishment, paine or penalty, limited, prescribed, or inflicted by the lawes ecclesiastical, for any the offēces before in this act mentioned, but that the same shal remaine in force, & may be put in due execution, as it might be before the making of this act, this act, or any thing therein conteined to the contrary thereof, in any wise notwithstanding.

10 Prouided further & be it &c. that if any person or persons whatsoeuer shal or doe at any time after the end of this session of parliament, receiue or take any money, fee, reward or any other profit, directly or indirectly, or shall take any promise, agreement, couenāt, bond, or other assurance, to receiue or haue any money, fee, reward, or any other profit, directly or indirectly, either to him or themselues, or to any other of their or any of their friends, (all ordinarie and lawful fees onely excepted) for to procure the ordeining or making of any minister or ministers, or giuing of any orders, or licence or licences to preach, that then euery person and persons so offēding, shal for euery such offence, forfeit and lose the summe of xl. li. of lawfull money of England, & the party so corruptly

ordeined or made minister, or taking orders, shall forfait and lose the summe of x. pounds.

11 And if at any time within seuen yeares next after such corrupt entring into the ministrie, or receiuing of orders, he shall accept or take any benefice, liuing, or promotion ecclesiasticall, that then immediatly from and after the induction, inuesting, or installation thereof, or thereinto had, the same benefice, liuing, and promotion ecclesiasticall, shall be estsones meerely void, and that the Patron or Parson to whom the aduowson, gift, presentation, or collation, shall by law appertaine, shall and may by vertue of this Act, present or collate vnto, give, and dispose of the same benefice, liuing, or promotion ecclesiasticall, in such sort to all intents and purposes, as if the partie so inducted, inuested, or installed had been, or were naturally dead: any law, ordinance, qualification, or dispensation to the contrarie notwithstanding. The one moitie of all which forfaitures, shall be to our Soueraigne Lady the Queene, her heires and successors, and the other moitie to him or them that will sue for the same, by action of debt, bill, plaint, or information, in any of her Maiesties Courts of record, in which no essoine, protection, priuiledge, or longer of law shalbe admitted or allowed.

An act

An act for explanation of the statute made in the 34. yeare of king H. 8. aswel touching Graunts made to his Maiestie, as for confirmation of Letters patents made by his highnesse to others, Ani 35. Eliz. cap. 3.

Patents 18.

FOrasmuch as diuers ambiguities, doubts, & questions haue risen & been mouued, aswel touching diuers surrenders, graunts, and conueyances made and graunted by sundry late Abbots, priors, and other Religious & ecclesiasticall persons, to the late king of famous memorie king H. 8. after the 4. day of Feb. in the 27. yeare of his raigne, of diuers their honors, manors, lands, tenements, & hereditaments, as also touching & concerning the validitie of the erections of such Deanes & Chapters, and such colledges as were erected, ordeined, made, or founded by the said late king H. the 8. after the said 4. day of Feb. in the said 27. yere of his raigne: & for asmuch as the same doubts & questiõs seeme not to be sufficiently remedied or prouided for, by ye stat. made in the 34. yeare of the raigne of the said late K. H. the 8. intituled, An act for cõfirmation of Letters patents, notwithstanding misnaming of any thing conteined in the same:

2 Be it therefore declared, explaned, and enacted by thauthoritie of this present parliament, that all and every honors, manors,

lands, tenements, & hereditaments, which at any time heretofore were the possessions of any Abbey, monasterie, priorie, nunrie, or other religious or ecclesiastical house or houses, & which after the said 4. day of Februarie, in the said 27. yeare of the said late king H. 8. came to the hands or possession of the said late king H. 8. or which were put in charge, to, or for his highnesse in his Court of Eschequer, or any other Courts of the said late king concerning his Maiesties reuenues, or by any auditor, or other officer of the said late king, or which after the said 4. day of Februarie, in the 27. yeare aforesaid, were graunted or conueied, or mentioned to be graunted or conueyed, in, or by any letters Patents whatsoeuer, made by the said late king H. 8. to any person or persons, body politike or corporat, were & shal be reputed, taken, and adiudged to haue bein lawfully and perfectly in the actuall and reall possession of the said late king, & his heires & successors, at such time as the same did so come to his Maiesties hands & possession, or were so put in charge, or graunted, or conueyed by the said late king H. 8. as aforesaid, notwithstanding any defect, want, or insufficiency, of, or in any surrender, graunt, or conueyance of the same honors, manors, lands, tenements, or hereditaments, or any part thereof, to the said late king H. 8. or any other matter or cause whatsoeuer, by which his Highnesse was or might haue bein intitu-

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tuied to the same.

3 And be it further declared and enacted by the authoritie aforesaid, that all & singuler Letters patents made by the said king H. 8. at any time after the said 4. day of February, in the said 27. yere of his raigne, for the erection, foundation, incorporation, or indowment of any Deane & chapter, or colledge, were, and shall be reputed, taken, and adiudged to haue bein good, perfect & effectuall in the law for all things therein conteyned, according to the true intent & meaning of the same: any thing, matter, or cause to the contrarie thereof in any wise notwithstanding. Sauing alwaies vnto all person and persons, bodies politike & corporate, their heires & successors, and euery of them, other then the late Abbots, priors, priorresses, and other gouernors of such abbies, monasteries, priories, nunries, & other religious and ecclesiasticall houses, & their successors, and such as pretended to be founders, patrons, or bonors of the same, or any of them: or of any manors, lands, tenements, or hereditaments belonging to the same, or to any of them, and their, and euery of their heires & successors, al such right, title, interest, claime & demaund, as they or any of them, or their, or any of their auncestors or predecessors might, or ought to haue had, of, in, to, or out of any such honors, manors, lands, tenements, or hereditaments, before the said 4. day of Feb. in the 27. yeare of the raigne of

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the said king Henry the viij. or before the making of such letters patents by the said king H. 8. as if the said letters patents made by the said king H. 8. & the said statute made in the said 34. yere of his raigne, & this present act had never been made: this act or any thing therein contained to the contrarie notwithstanding.

An Act against fraudulent administration of intestates goods, 43. Eliz. ca. 8.

Administrations 1.

FOrasmuch as it is often put in vse, to the defrauding of creditors, that such persons as are to haue the administration of the goods of others dying intestate, committed vnto them, if they require it, will not accept the same, but suffer or procure the administration in be graunted to some stranger of meane estate, & not of kin to the intestate, from whom themselues or others by their meanes do take deeds of gifts and authorities by letter of Attourney, wherby they obtaine the state of the intestate into their hands, and yet stand not subiect to pay any debts owing by the same intestate, & so the creditors for lacke of knowledge of the place of habitation of the administrator cannot arrest him, nor sue him, and if they fortune to find him out, yet for lacke of abilitie in him to satisfie of his owne goods the

value

value of that he hath conueyed away of the intestates goods, or released of his debts by way of wasting, the creditours cannot haue or recouer their iust and due debts.

2 Be it enacted by the authoritie of this present Parliament, that euery person and persons that hereafter shall obteine, receiue or haue, any goods or debts of any person dying intestate, a release, or other discharge of any debt or duetie that belonged to the intestate vpon any fraude, as is aforesayd, or without such valuable consideration as shall amount to the value of the same goods and debts, or neere there abouts, except it be in, or towardes satisfaction of some iust and principall debt of the value of the same goods or debts to him owing by the intestate at the time of his decease, shall be charged and chargeable as executor of his owne wrong, & so far onely as all such goods and debts comming to his hands, or whereof he is released or discharged by such administrator will satisfie, deducting neuertheleſſe to & for himselfe allowance of al iust, due, & principal debt vpon good consideration without fraude owing to him, by the intestate at the time of his decease, & of all other payments made by him, which lawfull executors or administrators may and ought to haue and pay by the Lawes and Statutes of this Realme.

An

An act for new Execution, where the partie shall be deliuered out of execution by priuiledge of Parliament, Ań 1. Iac. cap. 13.

Execution 12.

FOr asmuch as heretofore doubt hath bein made, if any person being arrested in Execution, & by priuiledge of either of the houses of Parliament set at libertie, whether the party at whose suit such execution was pursued, be for euer after barred & disabled to sue forth a new writ of Execution in that case. For the auoyding of all further doubt & trouble, which in like cases may hereafter ensue,

2 Be it enacted by the kings most excellent Maiestie, by the Lords spiritual & temporall, and by the Commons in this present Parliament assembled, That from henceforth the partie, at, or by whose suit such writ of execution was pursued, his executors or administrators, after such time as the priuiledge of that Session of parliamẽt, in which such priuiledge shal be so granted, shall cease, may sue forth and execute a new writ, or writs of Execution, in such maner & forme, as by the Law of this Realme he or they might haue done, if no such former execution had bein taken forth or serued.

3 And that from henceforth no Shirife, Bailife, or other Officer, from whose arrest or custodie any such person so arrested in execu=

execution shall be delivered by any such priuiledge, shal be charged or chargeable, with or by any action whatsoever for delivering out of execution any such priuiledged person, so as is aforesaid by such priuiledge of Parliament set at libertie: any law, custome, or priuiledge heretofore to the contrarie notwithstanding.

4 Provided alwaies, that this Act, or any thing therein conteined, shall not extend to the diminishing of any punishment to be hereafter by censure in Parliament inflicted vpon any person, which hereafter shal make or procure to be made any such Arrest, as is aforesaid.

An act for auoyding vnnecessarie delayes of Executions, Ann 3. Iac. cap. 8.

Executions 13.

FOrasmuch as his highnesse subiects are now more commonly withholden from their iust debts, and often in danger to lose the same by meanes of writs of Error, which are more commonly vsed than heretofore they haue bein,

2 Be it therefore enacted, by the authoritie of this present Parliament, That from and after the end of this present Session of parliament, no execution shal be staied or delated, vpon, or by any writ of Error, or Supersedeas thereupon to be sued for the reuersing of any Iudgement giuen, or to be giuen in any

action

action or bill of debt, vpon any single bond for debt, or vpon any obligation with condition for the payment of money onely, or vpon any action or bil of debt for rent, or vpon any contract sued in any of his Highnesse courts of record at Westminster, or in the Counties Palantine of Chester, Lancaster, or Durham, or in his highnes courts of great Sessions in any the 12. Shires of wales: vnlesse such person or persons in whose name or names such writ of Error shall be brought, with two sufficient sueries, such as the Court wherein such Judgement is, or shall be giuen, shall allow of, shall first before such staie made, or Supersedeas to be awarded, be bound vnto the partie for whom any such Judgement is, or shall be giuen, by Recognisance to be acknowledged in such court, in double the summe adiudged, to be recouered by the said former iudgement, to prosecute the said writ of Error with effect. And also to satisfie and pay (if the said Judgement be affirmed) all and singuler the debts, damages, and costes adiudged, or to be adiudged vpon the former iudgement, And all costes and damages to be also awarded for the same delaying of execution. This Act to haue continuance to the end of the first Session of the next Parliament.

An act giuing costes to the Defendant vpon a Nonsuit of the Plaintife, or a verdict against him, An 4. Iac. cap. 3.

Damages and Costes 9.

WHereas in the 23. yeare of king Henry the eight of famous memorie, a good and profitable Law was made, whereby it was enacted, That in cases where the Plaintife in any action, bill, or plaint of debt, trespas vpon the case, detinue, accompt, and in some other actions therein especially mentioned, should become Nonsuit, or a verdict should be had against the said plaintife, That then in such cases the Defendant should haue Iudgement to recouer his costes against euery such plaintife, as by the said Law appeareth: which Law hath been found to be verie good and beneficiall for the common wealth, and thereby many haue been discouraged from bringing friuolous and vniust suites, because such parties are to make recompence to the parties vniustly vexed for the said vniust vexations. And for as much as actions of Trespas, and actions of Eiectione firme, and many other actions reall and personall are within the mischiefe, as the said other actions were

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at the Common Law, & yet were omitted out of the provision of the said law.

2 For remedie whereof be it enacted by the king &c. That if any person or persons, at any time after the end of this present session of parliament, shall commence or sue in any Court of record, or in any other Court, any action, bill, or plaint of trespas, or Ejectione firme, or any other action whatsoever, wherein the plaintife or demandant might have costes, if in case the said Judgement should be given for him, And the plaintife or plaintifes, demandant or demandants in any such action, bill, or plaint, after appearance of the defendant or defendants be nonsuited, or that any verdict happen to passe by any lawfull triall against the plaintife or plaintifes, demandant or demandants, in anie such action, bill, or plaint, That then the defendant or defendants in every such action, bill, or plaint, shall have Judgement to recover his costes against every such plaintife and plaintifes, demandant and demandants, to be assessed, taxed, & levied, in manner and forme, as costes in the said actions are to be assessed, taxed, and levied, in, and by the said Law of the 23. of king Henry the 8.

FINIS.

Ex. GmB.

1/12/04